

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE REVISION BILL NO. 1298

## 97TH GENERAL ASSEMBLY

4783L.03C

D. ADAM CRUMBLISS, ChiefClerk

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### AN ACT

To repeal sections 8.305, 21.485, 21.800, 21.801, 21.910, 82.291, 105.915, 143.811, 160.254, 160.534, 160.932, 160.933, 168.081, 168.083, 171.033, 191.115, 192.105, 196.1035, 197.291, 208.955, 262.950, 301.129, 311.489, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 407.485, 443.805, 488.2205, 542.301, 620.602, 630.461, 633.410, 640.850, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, and to enact in lieu thereof eleven new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 8.305, 21.485, 21.800, 21.801, 21.910, 82.291, 105.915, 143.811, 160.254, 160.534, 160.932, 160.933, 168.081, 168.083, 171.033, 191.115, 192.105, 196.1035, 197.291, 208.955, 262.950, 301.129, 311.489, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 407.485, 443.805, 488.2205, 542.301, 620.602, 630.461, 633.410, 640.850, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 105.915, 143.811, 160.254, 160.534, 168.081, 171.033, 196.1035, 208.955, 407.485, 443.805, and 542.301, to read as follows:

9 EXPLANATION: The two ex officio members' terms have expired.

105.915. 1. The board of trustees of the Missouri state employees' retirement system shall administer the deferred compensation fund for the employees of the state of Missouri that was previously administered by the deferred compensation commission, as established in section 105.910, prior to August 28, 2007. The board shall be vested with the same powers that it has under chapter 104 to enable it and its officers, employees, and agents to administer the fund

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 under sections 105.900 to 105.927. [Two of the commissioners serving on the deferred  
7 compensation commission immediately prior to the transfer made to the board under section  
8 105.910 shall serve as ex officio members of the board solely to participate in the duties of  
9 administering the deferred compensation fund. One such commissioner serving as an ex officio  
10 board member shall be a member of the house of representatives selected by the speaker of the  
11 house of representatives, and such commissioner's service on the board shall cease on December  
12 31, 2009. The other commissioner serving as an ex officio board member shall be the chairman  
13 of the deferred compensation commission immediately prior to the transfer made to the board  
14 under section 105.910, and such commissioner's service on the board shall cease December 31,  
15 2008.]

16         2. Except as provided in this subsection, participation in such plan shall be by a specific  
17 written agreement between state employees and the state, which shall provide for the deferral of  
18 such amounts of compensation as requested by the employee subject to any limitations imposed  
19 under federal law. Participating employees must authorize that such deferrals be made from their  
20 wages for the purpose of participation in such program. An election to defer compensation shall  
21 be made before the beginning of the month in which the compensation is paid. Contributions  
22 shall be made for payroll periods occurring on or after the first day of the month after the election  
23 is made. Each employee eligible to participate in the plan hired on or after July 1, 2012, shall  
24 be enrolled in the plan automatically and his or her employer shall, in accordance with the plan  
25 document, withhold and contribute to the plan an amount equal to one percent of eligible  
26 compensation received on and after the date of hire, unless the employee elects not to participate  
27 in the plan within the first thirty days of employment, and in that event, any amounts contributed  
28 and earnings thereon will be refunded by the plan to the employee pursuant to the procedure  
29 contained in the plan documents. Employees who are employed by a state college or university  
30 shall not be automatically enrolled but may elect to participate in the plan and make  
31 contributions in accordance with the terms of the plan. Employees who are enrolled  
32 automatically may elect to change the contribution rate in accordance with the terms of the plan.  
33 Employees who elect not to participate in the plan may at a later date elect to participate in the  
34 plan and make contributions in accordance with the terms of the plan. All assets and income of  
35 such fund shall be held in trust by the board for the exclusive benefit of participants and their  
36 beneficiaries. Assets of such trust, and the trust established pursuant to section 105.927, may  
37 be pooled solely for investment management purposes with assets of the trust established under  
38 section 104.320.

39         3. Notwithstanding any other provision of sections 105.900 to 105.927, funds held for  
40 the state by the board in accordance with written deferred compensation agreements between the  
41 state and participating employees may be invested in such investments as are deemed appropriate

42 by the board. All administrative costs of the program described in this section, including staffing  
43 and overhead expenses, may be paid out of assets of the fund, which may reduce the amount due  
44 participants in the fund. Such investments shall not be construed to be a prohibited use of the  
45 general assets of the state.

46 4. Investments offered under the deferred compensation fund for the employees of the  
47 state of Missouri shall be made available at the discretion of the board.

48 5. The board and employees of the Missouri state employees' retirement system shall be  
49 immune from suit and shall not be subject to any claim or liability associated with any  
50 administrative actions or decisions made by the commission with regard to the deferred  
51 compensation program prior to the transfer made to the board under section 105.910.

52 6. The board and employees of the system shall not be liable for the investment decisions  
53 made or not made by participating employees as long as the board acts with the same skill,  
54 prudence, and diligence in the selection and monitoring of providers of investment products,  
55 education, advice, or any default investment option, under the circumstances then prevailing that  
56 a prudent person acting in a similar capacity and familiar with those matters would use in the  
57 conduct of a similar enterprise with similar aims.

58 7. The system shall be immune from suit and shall not be subject to any claim or liability  
59 associated with the administration of the deferred compensation fund by the board and  
60 employees of the system.

61 8. Beginning on or after September 1, 2011, if a participant under the deferred  
62 compensation plan or the plan established under section 105.927 is married on the date of his or  
63 her death, the participant's surviving spouse shall be automatically designated as the primary  
64 beneficiary under both plans, unless the surviving spouse consented in writing, witnessed by a  
65 notary public, to allow the participant to designate a nonspouse beneficiary. As used in this  
66 subsection, "surviving spouse" means the spouse as defined pursuant to section 104.012 to whom  
67 the participant is lawfully married on the date of death of the participant, provided that a former  
68 spouse shall be treated as the surviving spouse of the participant to the extent provided under a  
69 judgment, decree, or order that relates to child support, alimony payments, or marital property  
70 rights made under Missouri domestic relations law that creates or recognizes the existence of  
71 such former spouse's right to receive all or a portion expressed as a stated dollar amount or  
72 specific percentage stated in integers of the benefits payable from such plan upon the death of  
73 the participant. This subsection shall not apply to beneficiary designations made prior to  
74 September 1, 2011.

75 9. The board may adopt and amend plan documents to change the terms and conditions  
76 of the deferred compensation plan and the plan established under section 105.927 that are  
77 consistent with federal law.

78 EXPLANATION: A portion of subsection 7 of this section applied to a transfer of moneys for  
79 FY2003.

143.811. 1. Under regulations prescribed by the director of revenue, interest shall be  
2 allowed and paid at the rate determined by section 32.065 on any overpayment in respect of the  
3 tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from  
4 the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing  
5 of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect  
6 to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section  
7 143.631, interest shall be paid thereon at the rate in section 32.065 from the date of the deposit  
8 to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one  
9 dollar.

10 2. For purposes of this section:

11 (1) Any return filed before the last day prescribed for the filing thereof shall be  
12 considered as filed on such last day determined without regard to any extension of time granted  
13 the taxpayer;

14 (2) Any tax paid by the taxpayer before the last day prescribed for its payment, any  
15 income tax withheld from the taxpayer during any calendar year, and any amount paid by the  
16 taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him  
17 on the fifteenth day of the fourth month following the close of his taxable year to which such  
18 amount constitutes a credit or payment.

19 3. For purposes of this section with respect to any withholding tax:

20 (1) If a return for any period ending with or within a calendar year is filed before April  
21 fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of  
22 such succeeding calendar year; and

23 (2) If a tax with respect to remuneration paid during any period ending with or within  
24 a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be  
25 considered paid on April fifteenth of such succeeding calendar year.

26 4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded  
27 within four months after the last date prescribed (or permitted by extension of time) for filing the  
28 return of such tax or within four months after the return was filed, whichever is later, no interest  
29 shall be allowed under this section on overpayment.

30 5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded  
31 within ninety days after the last date prescribed or permitted by extension of time for filing the  
32 return of such tax, no interest shall be allowed under this section on overpayment.

33           6. Any overpayment resulting from a carryback, including a net operating loss and a  
34 corporate capital loss, shall be deemed not to have been made prior to the close of the taxable  
35 year in which the loss arises.

36           7. Any overpayment resulting from a carryback of a tax credit, including but not limited  
37 to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been  
38 made prior to the close of the taxable year in which the tax credit was authorized. [In fiscal year  
39 2003, the commissioner of administration shall estimate the amount of any additional state  
40 revenue received pursuant to the provisions of this subsection and shall transfer an equivalent  
41 amount of general revenue to the schools of the future fund created in section 163.005.]

42 EXPLANATION: The authority for an interim committee under subsection 5 expired 01-29-10  
43 (report submitted by deadline).

          160.254. 1. There is hereby established a joint committee of the general assembly, which  
2 shall be known as the "Joint Committee on Education", which shall be composed of seven  
3 members of the senate and seven members of the house of representatives. The senate members  
4 of the committee shall be appointed by the president pro tem of the senate and the house  
5 members by the speaker of the house.

6           2. The committee shall meet at least twice a year. In the event of three consecutive  
7 absences on the part of any member, such member may be removed from the committee.

8           3. The committee shall select either a chairman or cochairmen, one of whom shall be a  
9 member of the senate and one a member of the house. A majority of the members shall  
10 constitute a quorum. Meetings of the committee may be called at such time and place as the  
11 chairman or chairmen designate.

12           4. The committee shall:

13           (1) Review and monitor the progress of education in the state's public schools and  
14 institutions of higher education;

15           (2) Receive reports from the commissioner of education concerning the public schools  
16 and from the commissioner of higher education concerning institutions of higher education;

17           (3) Conduct a study and analysis of the public school system;

18           (4) Make recommendations to the general assembly for legislative action;

19           (5) Conduct an in-depth study concerning all issues relating to the equity and adequacy  
20 of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall  
21 funding levels for schools and any other education funding-related issues the committee deems  
22 relevant;

23           (6) Monitor the establishment of performance measures as required by section 173.1006  
24 and report on their establishment to the governor and the general assembly;

25           (7) Conduct studies and analysis regarding:

26 (a) The higher education system, including financing public higher education and the  
27 provision of financial aid for higher education; and

28 (b) The feasibility of including students enrolled in proprietary schools, as that term is  
29 defined in section 173.600, in all state-based financial aid programs;

30 (8) Annually review the collection of information under section 173.093 to facilitate a  
31 more accurate comparison of the actual costs at public and private higher education institutions;

32 (9) Within three years of August 28, 2007, review a new model for the funding of public  
33 higher education institutions upon submission of such model by the coordinating board for  
34 higher education;

35 (10) Within three years of August 28, 2007, review the impact of the higher education  
36 student funding act established in sections 173.1000 to 173.1006;

37 (11) Beginning August 28, 2008, upon review, approve or deny any expenditures made  
38 by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of  
39 section 160.530.

40 5. [During the legislative interim between the first regular session of the ninety-fifth  
41 general assembly through January 29, 2010, of the second regular session of the ninety-fifth  
42 general assembly, the joint committee on education shall study the issue of open enrollment for  
43 public school students across school district boundary lines in this state. In studying this issue,  
44 the joint committee may solicit input and information necessary to fulfill its obligation, including  
45 but not limited to soliciting input and information from any state department, state agency,  
46 school district, political subdivisions of this state, teachers, and the general public. The joint  
47 committee shall prepare a final report, together with its recommendations for any legislative  
48 action deemed necessary for submission to the general assembly by December 31, 2009.

49 6.] The committee may make reasonable requests for staff assistance from the research  
50 and appropriations staffs of the house and senate and the committee on legislative research, as  
51 well as the department of elementary and secondary education, the department of higher  
52 education, the coordinating board for higher education, the state tax commission, the department  
53 of economic development, all school districts and other political subdivisions of this state,  
54 teachers and teacher groups, business and other commercial interests and any other interested  
55 persons.

56 [7.] 6. Members of the committee shall receive no compensation but may be reimbursed  
57 for reasonable and necessary expenses associated with the performance of their official duties.

58 EXPLANATION: Subsection 2 expired 07-01-10 and subsection 3 expired 07-01-09.

160.534. [1.] For fiscal year 1996 and each subsequent fiscal year, any amount of the  
2 excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess  
3 of the amount transferred to the school district bond fund as provided in section 164.303 shall

4 be transferred to the classroom trust fund. Such moneys shall be distributed in the manner  
5 provided in section 163.043.

6 [2. Starting in fiscal year 2009, and for each subsequent fiscal year, all excursion  
7 gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the  
8 amount transferred to the classroom trust fund for fiscal year 2008 plus the amount appropriated  
9 to the school district bond fund in accordance with section 164.303 shall be deposited into the  
10 schools first elementary and secondary education improvement fund. The provisions of this  
11 subsection shall terminate on July 1, 2010.

12 3. The amounts deposited in the schools first elementary and secondary education  
13 improvement fund pursuant to this section shall constitute new and additional funding for  
14 elementary and secondary education and shall not be used to replace existing funding provided  
15 for elementary and secondary education. The provisions of this subsection shall terminate on  
16 July 1, 2009.]

17 EXPLANATION: This section contains an intersectional reference for a Section 168.083 which  
18 is repealed in this act.

168.081. After September 1, 1988, no person without a valid Missouri certificate shall:

2 (1) Engage in the practice of teaching or the performance of education duties in grades  
3 kindergarten through twelve in any public school in the state;

4 (2) Act as a school administrator in any public school district[, unless such person  
5 obtains a temporary administrator certificate pursuant to section 168.083].

6 EXPLANATION: Subsection 3 of this section applies only to a past school year.

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,  
2 snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first six days of school lost or cancelled due  
4 to inclement weather and half the number of days lost or cancelled in excess of six days if the  
5 makeup of the days is necessary to ensure that the district's students will attend a minimum of  
6 one hundred forty-two days and a minimum of one thousand forty-four hours for the school year  
7 except as otherwise provided in this section. Schools with a four-day school week may schedule  
8 such make-up days on Fridays.

9 3. [In the 2008-09 school year a school district may be exempt from the requirement to  
10 make up days of school lost or cancelled due to inclement weather in the school district when  
11 the school district has made up the six days required under subsection 2 of this section and half  
12 the number of additional lost or cancelled days up to eight days, resulting in no more than ten  
13 total make-up days required by this section.

14 4.] In the 2009-10 school year and subsequent years, a school district may be exempt  
15 from the requirement to make up days of school lost or cancelled due to inclement weather in

16 the school district when the school district has made up the six days required under subsection  
17 2 of this section and half the number of additional lost or cancelled days up to eight days,  
18 resulting in no more than ten total make-up days required by this section.

19 [5.] 4. The commissioner of education may provide, for any school district in which  
20 schools are in session for twelve months of each calendar year that cannot meet the minimum  
21 school calendar requirement of at least one hundred seventy-four days for schools with a five-day  
22 school week or one hundred forty-two days for schools with a four-day school week and one  
23 thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from  
24 such requirement. This waiver shall be requested from the commissioner of education and may  
25 be granted if the school was closed due to circumstances beyond school district control,  
26 including inclement weather, flooding or fire.

27 EXPLANATION: Subsection 3 of this section applies only to calendar year 2010.

196.1035. 1. A determination of the director not to list, or to remove from the directory,  
2 a brand family or tobacco product manufacturer shall be subject to review by a court of  
3 competent jurisdiction.

4 2. No person shall be issued, or granted a renewal of, a license under chapter 149 unless  
5 such person has certified, in writing and under the penalty of perjury, that such person will  
6 comply fully with sections 196.1020 to 196.1035.

7 3. [For the calendar year 2010, if the effective date of sections 196.1020 to 196.1035 is  
8 later than March 16, 2010:

9 (1) The first report of stamping agents required in subsection 1 of section 196.1029 shall  
10 be due thirty calendar days after July 7, 2010;

11 (2) The certification by a tobacco product manufacturer described in subsection 1 of  
12 section 196.1023 shall be due forty-five calendar days after July 7, 2010; and

13 (3) The directory described in subsection 2 of section 196.1023 shall be published, or  
14 made available, within one hundred thirty-five calendar days after July 7, 2010.

15 4.] The director may promulgate rules necessary to effect the purpose of sections  
16 196.1020 to 196.1035. Any rule or portion of a rule, as that term is defined in section 536.010  
17 that is created under the authority delegated in this section shall become effective only if it  
18 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
19 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
20 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
21 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
22 and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

23 [5.] 4. There is hereby created in the state treasury the "Tobacco Control Special Fund",  
24 which shall consist of money collected under this section. The state treasurer shall be custodian

25 of the fund and may approve disbursements from the fund in accordance with sections 30.170  
26 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration  
27 of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the  
28 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the  
29 same manner as other funds are invested. Any interest and moneys earned on such investments  
30 shall be credited to the fund.

31 [6.] 5. If a court of competent jurisdiction determines that a person has violated sections  
32 196.1020 to 196.1035, such court shall order any profits, gains, gross receipts, or other benefits  
33 from such violation be disgorged and paid to the state treasurer for deposit in the "Tobacco  
34 Control Special Fund" **which is hereby created**. Unless otherwise expressly provided, the  
35 remedies or penalties provided by sections 196.1020 to 196.1035 are cumulative to each other  
36 and to the remedies or penalties available under all other laws of this state.

37 [7.] 6. If a court of competent jurisdiction finds that the provisions of sections 196.1003  
38 and 196.1020 to 196.1035 conflict and cannot be harmonized, the provisions of section 196.1003  
39 shall control. If any section or portion of a section in sections 196.1020 to 196.1035 causes  
40 section 196.1003 to no longer constitute a qualifying or model statute, as those terms are defined  
41 in the master settlement agreement, that portion of sections 196.1020 to 196.1035 shall be  
42 invalid.

43 EXPLANATION: The subcommittee and reports required under subsections 3 to 7 of this  
44 section terminated 07-01-12.

208.955. 1. There is hereby established in the department of social services the "MO  
2 HealthNet Oversight Committee", which shall be appointed by January 1, 2008, and shall consist  
3 of nineteen members as follows:

4 (1) Two members of the house of representatives, one from each party, appointed by the  
5 speaker of the house of representatives and the minority floor leader of the house of  
6 representatives;

7 (2) Two members of the Senate, one from each party, appointed by the president pro tem  
8 of the senate and the minority floor leader of the senate;

9 (3) One consumer representative who has no financial interest in the health care industry  
10 and who has not been an employee of the state within the last five years;

11 (4) Two primary care physicians, licensed under chapter 334, who care for participants,  
12 not from the same geographic area, chosen in the same manner as described in section 334.120;

13 (5) Two physicians, licensed under chapter 334, who care for participants but who are  
14 not primary care physicians and are not from the same geographic area, chosen in the same  
15 manner as described in section 334.120;

16 (6) One representative of the state hospital association;

17 (7) Two nonphysician health care professionals, the first nonphysician health care  
18 professional licensed under chapter 335 and the second nonphysician health care professional  
19 licensed under chapter 337, who care for participants;

20 (8) One dentist, who cares for participants, chosen in the same manner as described in  
21 section 332.021;

22 (9) Two patient advocates who have no financial interest in the health care industry and  
23 who have not been employees of the state within the last five years;

24 (10) One public member who has no financial interest in the health care industry and  
25 who has not been an employee of the state within the last five years; and

26 (11) The directors of the department of social services, the department of mental health,  
27 the department of health and senior services, or the respective directors' designees, who shall  
28 serve as ex officio members of the committee.

29 2. The members of the oversight committee, other than the members from the general  
30 assembly and ex officio members, shall be appointed by the governor with the advice and  
31 consent of the senate. A chair of the oversight committee shall be selected by the members of  
32 the oversight committee. Of the members first appointed to the oversight committee by the  
33 governor, eight members shall serve a term of two years, seven members shall serve a term of  
34 one year, and thereafter, members shall serve a term of two years. Members shall continue to  
35 serve until their successor is duly appointed and qualified. Any vacancy on the oversight  
36 committee shall be filled in the same manner as the original appointment. Members shall serve  
37 on the oversight committee without compensation but may be reimbursed for their actual and  
38 necessary expenses from moneys appropriated to the department of social services for that  
39 purpose. The department of social services shall provide technical, actuarial, and administrative  
40 support services as required by the oversight committee. The oversight committee shall:

41 (1) Meet on at least four occasions annually, including at least four before the end of  
42 December of the first year the committee is established. Meetings can be held by telephone or  
43 video conference at the discretion of the committee;

44 (2) Review the participant and provider satisfaction reports and the reports of health  
45 outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices  
46 as required of the health improvement plans and the department of social services under section  
47 208.950;

48 (3) Review the results from other states of the relative success or failure of various  
49 models of health delivery attempted;

50 (4) Review the results of studies comparing health plans conducted under section  
51 208.950;

52 (5) Review the data from health risk assessments collected and reported under section  
53 208.950;

54 (6) Review the results of the public process input collected under section 208.950;

55 (7) Advise and approve proposed design and implementation proposals for new health  
56 improvement plans submitted by the department, as well as make recommendations and suggest  
57 modifications when necessary;

58 (8) Determine how best to analyze and present the data reviewed under section 208.950  
59 so that the health outcomes, participant and provider satisfaction, results from other states, health  
60 plan comparisons, financial impact of the various health improvement plans and models of care,  
61 study of provider access, and results of public input can be used by consumers, health care  
62 providers, and public officials;

63 (9) Present significant findings of the analysis required in subdivision (8) of this  
64 subsection in a report to the general assembly and governor, at least annually, beginning January  
65 1, 2009;

66 (10) Review the budget forecast issued by the legislative budget office, and the report  
67 required under subsection (22) of subsection 1 of section 208.151, and after study:

68 (a) Consider ways to maximize the federal drawdown of funds;

69 (b) Study the demographics of the state and of the MO HealthNet population, and how  
70 those demographics are changing;

71 (c) Consider what steps are needed to prepare for the increasing numbers of participants  
72 as a result of the baby boom following World War II;

73 (11) Conduct a study to determine whether an office of inspector general shall be  
74 established. Such office would be responsible for oversight, auditing, investigation, and  
75 performance review to provide increased accountability, integrity, and oversight of state medical  
76 assistance programs, to assist in improving agency and program operations, and to deter and  
77 identify fraud, abuse, and illegal acts. The committee shall review the experience of all states  
78 that have created a similar office to determine the impact of creating a similar office in this state;  
79 and

80 (12) Perform other tasks as necessary, including but not limited to making  
81 recommendations to the division concerning the promulgation of rules and emergency rules so  
82 that quality of care, provider availability, and participant satisfaction can be assured.

83 3. [By July 1, 2011, the oversight committee shall issue findings to the general assembly  
84 on the success and failure of health improvement plans and shall recommend whether or not any  
85 health improvement plans should be discontinued.

86 4.] The oversight committee shall designate a subcommittee devoted to advising the  
87 department on the development of a comprehensive entry point system for long-term care that  
88 shall:

89 (1) Offer Missourians an array of choices including community-based, in-home,  
90 residential and institutional services;

91 (2) Provide information and assistance about the array of long-term care services to  
92 Missourians;

93 (3) Create a delivery system that is easy to understand and access through multiple  
94 points, which shall include but shall not be limited to providers of services;

95 (4) Create a delivery system that is efficient, reduces duplication, and streamlines access  
96 to multiple funding sources and programs;

97 (5) Strengthen the long-term care quality assurance and quality improvement system;

98 (6) Establish a long-term care system that seeks to achieve timely access to and payment  
99 for care, foster quality and excellence in service delivery, and promote innovative and  
100 cost-effective strategies; and

101 (7) Study one-stop shopping for seniors as established in section 208.612.

102 [5.] 4. The subcommittee shall include the following members:

103 (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee  
104 chair;

105 (2) One member from a Missouri area agency on aging, designated by the governor;

106 (3) One member representing the in-home care profession, designated by the governor;

107 (4) One member representing residential care facilities, predominantly serving MO  
108 HealthNet participants, designated by the governor;

109 (5) One member representing assisted living facilities or continuing care retirement  
110 communities, predominantly serving MO HealthNet participants, designated by the governor;

111 (6) One member representing skilled nursing facilities, predominantly serving MO  
112 HealthNet participants, designated by the governor;

113 (7) One member from the office of the state ombudsman for long-term care facility  
114 residents, designated by the governor;

115 (8) One member representing Missouri centers for independent living, designated by the  
116 governor;

117 (9) One consumer representative with expertise in services for seniors or persons with  
118 a disability, designated by the governor;

119 (10) One member with expertise in Alzheimer's disease or related dementia;

120 (11) One member from a county developmental disability board, designated by the  
121 governor;

- 122 (12) One member representing the hospice care profession, designated by the governor;  
123 (13) One member representing the home health care profession, designated by the  
124 governor;  
125 (14) One member representing the adult day care profession, designated by the governor;  
126 (15) One member gerontologist, designated by the governor;  
127 (16) Two members representing the aged, blind, and disabled population, not of the same  
128 geographic area or demographic group designated by the governor;  
129 (17) The directors of the departments of social services, mental health, and health and  
130 senior services, or their designees; and  
131 (18) One member of the house of representatives and one member of the senate serving  
132 on the oversight committee, designated by the oversight committee chair.

133

134 Members shall serve on the subcommittee without compensation but may be reimbursed for their  
135 actual and necessary expenses from moneys appropriated to the department of health and senior  
136 services for that purpose. The department of health and senior services shall provide technical  
137 and administrative support services as required by the committee.

138 [6. By October 1, 2008, the comprehensive entry point system subcommittee shall  
139 submit its report to the governor and general assembly containing recommendations for the  
140 implementation of the comprehensive entry point system, offering suggested legislative or  
141 administrative proposals deemed necessary by the subcommittee to minimize conflict of interests  
142 for successful implementation of the system. Such report shall contain, but not be limited to,  
143 recommendations for implementation of the following consistent with the provisions of section  
144 208.950:

145 (1) A complete statewide universal information and assistance system that is integrated  
146 into the web-based electronic patient health record that can be accessible by phone, in-person,  
147 via MO HealthNet providers and via the internet that connects consumers to services or  
148 providers and is used to establish consumers' needs for services. Through the system, consumers  
149 shall be able to independently choose from a full range of home, community-based, and  
150 facility-based health and social services as well as access appropriate services to meet individual  
151 needs and preferences from the provider of the consumer's choice;

152 (2) A mechanism for developing a plan of service or care via the web-based electronic  
153 patient health record to authorize appropriate services;

154 (3) A preadmission screening mechanism for MO HealthNet participants for nursing  
155 home care;

156 (4) A case management or care coordination system to be available as needed; and

157 (5) An electronic system or database to coordinate and monitor the services provided  
158 which are integrated into the web-based electronic patient health record.

159 7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide  
160 to the governor, lieutenant governor and the general assembly a yearly report that provides an  
161 update on progress made by the subcommittee toward implementing the comprehensive entry  
162 point system.

163 8.] 5. The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.  
164 EXPLANATION: Subsection 7 only applied to the first 6 months after August 28, 2009.

407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a  
2 for-profit entity or natural person to collect unwanted household items via a public receptacle  
3 and resell the deposited items for profit unless the deposited item receptacle prominently displays  
4 a statement in bold letters at least two inches high and two inches wide stating: "DEPOSITED  
5 ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR  
6 PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE."

7 2. It shall be an unfair business practice in violation of section 407.020 for a for-profit  
8 entity or natural person to collect donations of unwanted household items via a public receptacle  
9 and resell the donated items where some or all of the proceeds from the sale are directly given  
10 to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold  
11 letters at least two inches high and two inches wide stating: "DONATIONS TO THE  
12 FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of  
13 proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of  
14 the nonprofit beneficiary organization's name)."

15 3. It shall be an unfair business practice in violation of section 407.020 for a for-profit  
16 entity or natural person to collect donations of unwanted household items via a public receptacle  
17 and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon  
18 the proceeds generated by the sale of the collected goods, and one hundred percent of the  
19 proceeds from the sale of the items are given directly to the not-for-profit, unless the donation  
20 receptacle prominently displays a statement in bold letters at least two inches high and two  
21 inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE  
22 FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF OF (name of the  
23 nonprofit beneficiary organization's name)."

24 4. It shall be an unfair business practice in violation of section 407.020 for a  
25 not-for-profit entity to collect donations of unwanted household items via a public receptacle and  
26 resell the donated items unless the donation receptacle prominently displays a statement in bold  
27 letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED  
28 AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity)

29 AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE  
30 OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity  
31 name/charitable cause).".

32 5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean  
33 a primary color on a white background so as to be clearly visible to the public.

34 6. Nothing in this section shall apply to paper, glass, or aluminum products that are  
35 donated for the purpose of being recycled in the manufacture of other products.

36 7. [Any entity which, on or before June 1, 2009, has distributed one hundred or more  
37 separate public receptacles within the state of Missouri to which the provisions of subsection 2  
38 or 3 of this section would apply shall be deemed in compliance with the signage requirements  
39 imposed by this section for the first six months after August 28, 2009, provided such entity has  
40 made or is making good faith efforts to bring all signage in compliance with the provisions of  
41 this section and all such signage is in complete compliance no later than six months after August  
42 28, 2009.

43 8.] All receptacles described in this section shall conspicuously display the name,  
44 address, and telephone number of the owner and operator of the receptacle. The owner or  
45 operator of the receptacle shall maintain permission to place the receptacle on the property from  
46 the property owner or his or her agent where the receptacle is located. Such permission shall be  
47 in writing and clearly identify the owner of the receptacle and property owner or his or her agent  
48 in addition to the nature of the collections and where proceeds will be accrued. Failure to secure  
49 such permission shall constitute an unfair business practice in addition to any other statutory  
50 conditions. Unless otherwise agreed upon in writing, the property owner or his or her agent may  
51 remove the receptacle. Any charges incurred in such removal shall be the responsibility of the  
52 owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar  
53 days of the sending of a written certified letter from the property owner stating his or her intent  
54 to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the  
55 receptacle does not conspicuously display the name, address, and telephone number of the owner  
56 and operator of the receptacle, the receptacle shall be considered abandoned property and may  
57 be destroyed or permanently possessed by the property owner or their agent.

58 [9.] 8. Any owner and operator of a receptacle that does not display the address of the  
59 owner and operator, but does display the website of the owner and operator, shall make the  
60 address easily accessible on such website for the property owner to send the letter specified in  
61 subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014.

62 EXPLANATION: The exemption in subsection 3 expired June 1, 2010.

443.805. 1. No person shall engage in the business of brokering, funding, servicing or  
2 purchasing of residential mortgage loans without first obtaining a license as a residential

3 mortgage loan broker from the director, pursuant to sections 443.701 to 443.893 and the  
4 regulations promulgated thereunder. The licensing provisions of sections 443.805 to 443.812  
5 shall not apply to any person engaged solely in commercial mortgage lending or to any person  
6 exempt as provided in section 443.703 or pursuant to regulations promulgated as provided in  
7 sections 443.701 to 443.893.

8         2. No person except a licensee or exempt person shall do any business under any name  
9 or title or circulate or use any advertising or make any representation or give any information to  
10 any person which indicates or reasonably implies activity within the scope of the provisions of  
11 sections 443.701 to 443.893.

12         [3. Any exempt entity as defined by section 443.803 on July 7, 2009, shall be exempt  
13 from the licensing requirements of this section until June 1, 2010. Any such exempt entities  
14 already licensed between July 8, 2009, and June 1, 2010, shall not be eligible for any refund of  
15 licensure fees.]

16 EXPLANATION: The transfer of revenue authorized in subsection 16 applied only to FY2003.

542.301. 1. Property which comes into the custody of an officer or of a court as the  
2 result of any seizure and which has not been forfeited pursuant to any other provisions of law or  
3 returned to the claimant shall be disposed of as follows:

4         (1) Stolen property, or property acquired in any other manner declared an offense by  
5 chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this  
6 subsection, shall be delivered by order of court upon claim having been made and established,  
7 to the person who is entitled to possession:

8         (a) The claim shall be made by written motion filed with the court with which a motion  
9 to suppress has been, or may be, filed. The claim shall be barred if not made within one year  
10 from the date of the seizure;

11         (b) Upon the filing of such motion, the judge shall order notice to be given to all persons  
12 interested in the property, including other claimants and the person from whose possession the  
13 property was seized, of the time, place and nature of the hearing to be held on the motion. The  
14 notice shall be given in a manner reasonably calculated to reach the attention of all interested  
15 persons. Notice may be given to unknown persons and to persons whose address is unknown  
16 by publication in a newspaper of general circulation in the county. No property shall be  
17 delivered to any claimant unless all interested persons have been given a reasonable opportunity  
18 to appear and to be heard;

19         (c) After a hearing, the judge shall order the property delivered to the person or persons  
20 entitled to possession, if any. The judge may direct that delivery of property required as evidence  
21 in a criminal proceeding shall be postponed until the need no longer exists;

22 (d) A law enforcement officer having custody of seized property may, at any time that  
23 seized property has ceased to be useful as evidence, request that the prosecuting attorney of the  
24 county in which property was seized file a motion with the court of such county for the  
25 disposition of the seized property. If the prosecuting attorney does not file such motion within  
26 sixty days of the request by the law enforcement officer having custody of the seized property,  
27 then such officer may request that the attorney general file a written motion with the circuit court  
28 of the county or judicial district in which the seizure occurred. Upon filing of the motion, the  
29 court shall issue an order directing the disposition of the property. Such disposition may, if the  
30 property is not claimed within one year from the date of the seizure or if no one establishes a  
31 right to it, and the seized property has ceased to be useful as evidence, include a public sale of  
32 the property. Pursuant to a motion properly filed and granted under this section, the proceeds  
33 of any sale, less necessary expenses of preservation and sale, shall be paid into the county  
34 treasury for the use of the county. If the property is not salable, the judge may order its  
35 destruction. Notwithstanding any other provision of law, if no claim is filed within one year of  
36 the seizure and no motion pursuant to this section is filed within six months thereafter, and the  
37 seized property has ceased to be useful as evidence, the property shall be deemed abandoned,  
38 converted to cash and shall be turned over immediately to the treasurer pursuant to section  
39 447.543;

40 (e) If the property is a living animal or is perishable, the judge may, at any time, order  
41 it sold at public sale. The proceeds shall be held in lieu of the property. A written description  
42 of the property sold shall be filed with the judge making the order of sale so that the claimant  
43 may identify the property. If the proceeds are not claimed within the time limited for the claim  
44 of the property, the proceeds shall be paid into the county treasury. If the property is not salable,  
45 the judge may order its destruction.

46 (2) Weapons, tools, devices, computers, computer equipment, computer software,  
47 computer hardware, cellular telephones, or other devices capable of accessing the internet, and  
48 substances other than motor vehicles, aircraft or watercraft, used by the owner or with the  
49 owner's consent as a means for committing felonies other than the offense of possessing burglary  
50 tools in violation of section 569.180, and property, the possession of which is an offense under  
51 the laws of this state or which has been used by the owner, or used with the owner's acquiescence  
52 or consent, as a raw material or as an instrument to manufacture, produce, or distribute, or be  
53 used as a means of storage of anything the possession of which is an offense under the laws of  
54 this state, or which any statute authorizes or directs to be seized, other than lawfully possessed  
55 weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.

56 2. The officer who has custody of the property shall inform the prosecuting attorney of  
57 the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon

58 file a written motion with the court with which the motion to suppress has been, or may be, filed  
59 praying for an order directing the forfeiture of the property. If the prosecuting attorney of a  
60 county in which property is seized fails to file a motion with the court for the disposition of the  
61 seized property within sixty days of the request by a law enforcement officer, the officer having  
62 custody of the seized property may request the attorney general to file a written motion with the  
63 circuit court of the county or judicial district in which the seizure occurred. Upon filing of the  
64 motion, the court shall issue an order directing the disposition of the property. The signed  
65 motion shall be returned to the requesting agency. A motion may also be filed by any person  
66 claiming the right to possession of the property praying that the court declare the property not  
67 subject to forfeiture and order it delivered to the moving party.

68 3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the  
69 judge shall order notice to be given to all persons interested in the property, including the person  
70 out of whose possession the property was seized and any lienors, of the time, place and nature  
71 of the hearing to be held on the motion. The notice shall be given in a manner reasonably  
72 calculated to reach the attention of all interested persons. Notice may be given to unknown  
73 persons and to persons of unknown address by publication in a newspaper of general circulation  
74 in the county. Every interested person shall be given a reasonable opportunity to appear and to  
75 be heard as to the nature of the person's claim to the property and upon the issue of whether or  
76 not it is subject to forfeiture.

77 4. If the evidence is clear and convincing that the property in issue is in fact of a kind  
78 subject to forfeiture under this subsection, the judge shall declare it forfeited and order its  
79 destruction or sale. The judge shall direct that the destruction or sale of property needed as  
80 evidence in a criminal proceeding shall be postponed until this need no longer exists.

81 5. If the forfeited property can be put to a lawful use, it may be ordered sold after any  
82 alterations which are necessary to adapt it to a lawful use have been made. In the case of  
83 computers, computer equipment, computer software, computer hardware, cellular telephones,  
84 or other devices capable of accessing the internet, or other devices used in the acquisition,  
85 possession, or distribution of child pornography or obscene material, the law enforcement agency  
86 in possession of such items may, upon court order, retain possession of such property and  
87 convert such property to the use of the law enforcement agency for use in criminal investigations.  
88 If there is a holder of a bona fide lien against property which has been used as a means for  
89 committing an offense or which has been used as a raw material or as an instrument to  
90 manufacture or produce anything which is an offense to possess, who establishes that the use was  
91 without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of  
92 preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The  
93 remaining amount shall be paid into the county treasury.

94           6. If the property is perishable the judge may order it sold at a public sale or destroyed,  
95 as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of  
96 preservation and sale, shall be held in lieu of the property.

97           7. When a warrant has been issued to search for and seize allegedly obscene matter for  
98 forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the  
99 matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the  
100 matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary  
101 proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and  
102 convincing that the matter is obscene as defined by law and it was being held or displayed for  
103 sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene  
104 and forfeited to the state and order its destruction or other disposition; except that, no forfeiture  
105 shall be declared without the dealer, distributor or displayer being given a reasonable opportunity  
106 to appear in opposition and without the judge having thoroughly examined each item. If the  
107 material to be seized is the same as or another copy of matter that has already been determined  
108 to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's  
109 agent, the determination of obscenity in the criminal proceeding shall constitute clear and  
110 convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except  
111 when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions  
112 or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered  
113 within ten days of the return of the warrant. If the matter is not found to be obscene or is not  
114 found to have been held or displayed for sale, exhibition or distribution to the public, or a  
115 judgment is not entered within the time provided for, the matter shall be restored forthwith to the  
116 dealer, exhibitor or displayer.

117           8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment,  
118 the case should be assigned for hearing at the earliest practicable date and expedited in every  
119 way. Destruction or disposition of a matter declared forfeited shall be postponed until the  
120 judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and  
121 until the matter is no longer needed as evidence in a criminal proceeding.

122           9. A determination of obscenity, pursuant to this subsection, shall not be admissible in  
123 any criminal proceeding against any person or corporation for sale or possession of obscene  
124 matter; except that dealer, distributor or displayer from which the obscene matter was seized for  
125 forfeiture to the state.

126           10. When allegedly obscene matter or pornographic material for minors has been seized  
127 under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no  
128 longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in  
129 which the matter was seized may file a written motion with the circuit court of the county or

130 judicial district in which the seizure occurred praying for an order directing the forfeiture of the  
131 matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date,  
132 time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor,  
133 displayer or such person's agent. Such notice shall be served no less than five days before the  
134 hearing.

135 11. If the evidence is clear and convincing that the matter is obscene as defined by law,  
136 and that the obscene material was being held or displayed for sale, exhibition, distribution or  
137 circulation to the public or that the matter is pornographic for minors and that the pornographic  
138 material was being held or displayed for sale, exhibition, distribution or circulation to minors,  
139 the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and  
140 order its destruction or other disposition. A determination that the matter is obscene in a  
141 criminal proceeding as well as a determination that such obscene material was held or displayed  
142 for sale, exhibition, distribution or circulation to the public or a determination that the matter is  
143 pornographic for minors in a criminal proceeding as well as a determination that such  
144 pornographic material was held or displayed for sale, exhibition, distribution or circulation to  
145 minors shall be clear and convincing evidence that such material should be forfeited to the state;  
146 except that, no forfeiture shall be declared without the dealer, distributor or displayer being given  
147 a reasonable opportunity to appear in opposition and without a judge having thoroughly  
148 examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to  
149 appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed  
150 the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer,  
151 distributor or displayer has been charged and found guilty of holding or displaying for sale,  
152 exhibiting, distributing or circulating obscene material to the public or pornographic material for  
153 minors to minors. If the matter is not found to be obscene, or if obscene material is not found  
154 to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if  
155 the matter is not found to be pornographic for minors or if pornographic material is not found  
156 to have been held or displayed for sale, exhibition, distribution or circulation to minors, the  
157 matter shall be restored forthwith to the dealer, exhibitor or displayer.

158 12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment,  
159 the case shall be assigned for hearing at the earliest practicable date and expedited in every way.  
160 Destruction or disposition of matter declared forfeited shall be postponed until the judgment has  
161 become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter  
162 is no longer needed as evidence in a criminal proceeding.

163 13. A determination of obscenity shall not be admissible in any criminal proceeding  
164 against any person or corporation for sale or possession of obscene matter.

165 14. An appeal by any party shall be allowed from the judgment of the court as in other  
166 civil actions.

167 15. All other property still in the custody of an officer or of a court as the result of any  
168 seizure and which has not been forfeited pursuant to this section or any other provision of law  
169 after three years following the seizure and which has ceased to be useful as evidence shall be  
170 deemed abandoned, converted to cash and shall be turned over immediately to the treasurer  
171 pursuant to section 447.543.

172 [16. In fiscal year 2003, the commissioner of administration shall estimate the amount  
173 of any additional state revenue received pursuant to this section and section 447.532, shall  
174 transfer an equivalent amount of general revenue to the schools of the future fund created in  
175 section 163.005.]

176 EXPLANATION: This section expired 08-28-11.

2 [8.305. 1. Any appliance purchased with state moneys or a portion of  
3 state moneys shall be an appliance that has earned the Energy Star under the  
4 Energy Star program co-sponsored by the United States Department of Energy  
5 and the United States Environmental Protection Agency. For purposes of this  
6 section, the term appliance shall have the same meaning as in section 144.526.

7 2. The commissioner of the office of administration may exempt any  
8 appliance from the requirements of subsection 1 of this section when the cost of  
9 compliance is expected to exceed the projected energy cost savings gained.

10 3. The provisions of this section shall expire on August 28, 2011.]

11  
12 EXPLANATION: The report required under this section was due for submission by 12-31-09  
13 (report submitted by the deadline).

14  
2 [21.485. During the legislative interim between the first regular session  
3 of the ninety-fifth general assembly through December 31, 2009, the joint  
4 committee on education shall study the issue of governance in urban school  
5 districts containing most or all of a home rule city with more than four hundred  
6 thousand inhabitants and located in more than one county. In studying this issue,  
7 the joint committee may solicit input and information necessary to fulfill its  
8 obligation, including but not limited to soliciting input and information from any  
9 state department, state agency, school district, political subdivision of the state,  
10 teachers, administrators, school board members, all interested parties concerned  
11 about governance within the school districts identified in this section, and the  
12 general public. The joint committee shall prepare a final report, together with its  
13 recommendations for any legislative action deemed necessary for submission to  
14 the general assembly by December 31, 2009.]

15 EXPLANATION: This section expired 12-31-11.

2 [21.800. 1. There is established a joint committee of the general  
3 assembly to be known as the "Joint Committee on Terrorism, Bioterrorism, and  
4 Homeland Security" to be composed of seven members of the senate and seven  
5 members of the house of representatives. The senate members of the joint  
6 committee shall be appointed by the president pro tem and minority floor leader  
7 of the senate and the house members shall be appointed by the speaker and  
8 minority floor leader of the house of representatives. The appointment of each  
9 member shall continue during the member's term of office as a member of the  
10 general assembly or until a successor has been appointed to fill the member's  
11 place when his or her term of office as a member of the general assembly has  
12 expired. No party shall be represented by more than four members from the  
13 house of representatives nor more than four members from the senate.

14 A majority of the committee shall constitute a quorum, but the concurrence of a  
15 majority of the members shall be required for the determination of any matter  
16 within the committee's duties.

17 2. The joint committee shall:

18 (1) Make a continuing study and analysis of all state government  
19 terrorism, bioterrorism, and homeland security efforts, including the feasibility  
20 of compiling information relevant to immigration enforcement issues;

21 (2) Devise a standard reporting system to obtain data on each state  
22 government agency that will provide information on each agency's terrorism and  
23 bioterrorism preparedness, and homeland security status at least biennially;

24 (3) Determine from its study and analysis the need for changes in  
25 statutory law; and

26 (4) Make any other recommendation to the general assembly necessary  
27 to provide adequate terrorism and bioterrorism protections, and homeland  
28 security to the citizens of the state of Missouri.

29 3. The joint committee shall meet within thirty days after its creation and  
30 organize by selecting a chairperson and a vice chairperson, one of whom shall be  
31 a member of the senate and the other a member of the house of representatives.  
32 The chairperson shall alternate between members of the house and senate every  
33 two years after the committee's organization.

34 4. The committee shall meet at least quarterly. The committee may meet  
35 at locations other than Jefferson City when the committee deems it necessary.

36 5. The committee shall be staffed by legislative personnel as is deemed  
37 necessary to assist the committee in the performance of its duties.

38 6. The members of the committee shall serve without compensation but  
39 shall be entitled to reimbursement for actual and necessary expenses incurred in  
40 the performance of their official duties.

41 7. It shall be the duty of the committee to compile a full report of its  
42 activities for submission to the general assembly. The report shall be submitted  
43 not later than the fifteenth of January of each year in which the general assembly  
convenes in regular session and shall include any recommendations which the

44 committee may have for legislative action as well as any recommendations for  
45 administrative or procedural changes in the internal management or organization  
46 of state or local government agencies and departments. Copies of the report  
47 containing such recommendations shall be sent to the appropriate directors of  
48 state or local government agencies or departments included in the report.

49 8. The provisions of this section shall expire on December 31, 2011.]  
50

51 EXPLANATION: This section expired on 01-01-13 (a report was due by 12-31-12 under  
52 subsection 4; report was submitted).  
53

2 [21.801. 1. There is hereby established a joint committee of the general  
assembly, which shall be known as the "Joint Committee on Urban Agriculture".

3 2. The joint committee shall be composed of ten members. Five  
4 members shall be from the senate, with three members appointed by the president  
5 pro tem of the senate and two members appointed by the minority leader of the  
6 senate. Five members shall be from the house of representatives, with three  
7 members appointed by the speaker of the house of representatives and two  
8 members appointed by the minority leader of the house of representatives. All  
9 members of the Missouri general assembly not appointed in this subsection may  
10 be nonvoting, ex officio members of the joint committee. A majority of the  
11 appointed members of the joint committee shall constitute a quorum.

12 3. The joint committee shall meet within thirty days after it becomes  
13 effective and organize by selecting a chairperson and a vice chairperson, one of  
14 whom shall be a member of the senate and the other a member of the house of  
15 representatives. The joint committee may meet at locations other than Jefferson  
16 City when the committee deems it necessary.

17 4. The committee shall prepare a final report together with its  
18 recommendations for any legislative action deemed necessary for submission to  
19 the speaker of the house of representatives, president pro tem of the senate, and  
20 the governor by December 31, 2012. The report shall study and make  
21 recommendations regarding the impact of urban farm cooperatives, vertical  
22 farming, and sustainable living communities in this state and shall examine the  
23 following:

24 (1) Trends in urban farming, including vertical farming, urban farm  
25 cooperatives, and sustainable living communities;

26 (2) Existing services, resources, and capacity for such urban farming;

27 (3) The impact on communities and populations affected; and

28 (4) Any needed state legislation, policies, or regulations.

29 5. The committee shall hold a minimum of one meeting at three urban  
30 regions in the state of Missouri to seek public input. The committee may hold  
31 such hearings, sit and act at such times and places, take such testimony, and  
32 receive such evidence as the committee considers advisable to carry out the  
33 provisions of this section.

34           6. The joint committee may solicit input and information necessary to  
35 fulfill its obligations from the general public, any state department, state agency,  
36 political subdivision of this state, or anyone else it deems advisable.

37           7. (1) The joint committee shall establish a subcommittee to be known  
38 as the "Urban Farming Advisory Subcommittee" to study, analyze, and provide  
39 background information, recommendations, and findings in preparation of each  
40 of the public hearings called by the joint committee. The subcommittee may also  
41 review draft recommendations of the joint committee, if requested. The  
42 subcommittee will meet as often as necessary to fulfill the requirements and time  
43 frames set by the joint committee.

44           (2) The subcommittee shall consist of twelve members, as follows:

45           (a) Four members shall include the directors of the following  
46 departments, or their designees:

- 47           a. Agriculture, who shall serve as chair of the subcommittee;
- 48           b. Economic development;
- 49           c. Health and senior services; and
- 50           d. Natural resources; and

51           (b) The chair shall select eight additional members, subject to approval  
52 by a majority of the joint committee, who shall have experience in or represent  
53 organizations associated with at least one of the following areas:

- 54           a. Sustainable energy;
- 55           b. Farm policy;
- 56           c. Urban botanical gardening;
- 57           d. Sustainable agriculture;
- 58           e. Urban farming or community gardening;
- 59           f. Vertical farming;
- 60           g. Agriculture policy or advocacy; and
- 61           h. Urban development.

62           8. Members of the committee and subcommittee shall serve without  
63 compensation but may be reimbursed for necessary expenses pertaining to the  
64 duties of the committee.

65           9. The staffs of senate research, the joint committee on legislative  
66 research, and house research may provide such legal, research, clerical, technical,  
67 and bill drafting services as the joint committee may require in the performance  
68 of its duties.

69           10. Any actual and necessary expenses of the joint committee, its  
70 members, and any staff assigned to the joint committee incurred by the joint  
71 committee shall be paid by the joint contingent fund.

72           11. The provisions of this section shall expire on January 1, 2013.]

73

74 EXPLANATION: This section expired on 01-01-11. (report due by 12-31-10; no report was  
75 submitted, the committee never met).

76

2 [21.910. 1. There is hereby created the "Joint Committee on the  
3 Reduction and Reorganization of Programs within State Government". The  
4 committee shall be composed of thirteen members as follows:

5 (1) Three majority party members and two minority party members of the  
6 senate, to be appointed by the president pro tem of the senate;

7 (2) Three majority party members and two minority party members of the  
8 house of representatives, to be appointed by the speaker of the house of  
9 representatives;

10 (3) The commissioner of the office of administration, or his or her  
11 designee;

12 (4) A representative of the governor's office; and

13 (5) A supreme court judge, or his or her designee, as selected by the  
14 Missouri supreme court.

15 2. The committee shall study programs within every department that  
16 should be eliminated, reduced, or combined with another program or programs.  
17 As used in this section, the term "program" shall have the same meaning as in  
18 section 23.253.

19 3. In order to assist the committee with its responsibilities under this  
20 section, each department shall comply with any request for information made by  
21 the committee with regard to any programs administered by such department.

22 4. The members of the committee shall elect a chairperson and vice  
23 chairperson.

24 5. The committee shall submit a report to the general assembly by  
25 December 31, 2010, and such report shall contain any recommendations of the  
26 committee for eliminating, reducing, or combining any program with another  
27 program or programs in the same or a different department.

28 6. The provisions of this section shall expire on January 1, 2011.]

29 EXPLANATION: This section expired 08-28-10.  
30

2 [82.291. 1. For purposes of this section, "derelict vehicle" means any  
3 motor vehicle or trailer that was originally designed or manufactured to transport  
4 persons or property on a public highway, road, or street and that is junked,  
5 scrapped, dismantled, disassembled, or in a condition otherwise harmful to the  
6 public health, welfare, peace, and safety.

7 2. The owner of any property located in any home rule city with more  
8 than twenty-six thousand two hundred but less than twenty-six thousand three  
9 hundred inhabitants, except any property subclassified as agricultural and  
10 horticultural property pursuant to Section 4(b), Article X, of the Constitution of  
11 Missouri or any property containing any licensed vehicle service or repair facility,  
12 who permits derelict vehicles or substantial parts of derelict vehicles to remain  
on the property other than inside a fully enclosed permanent structure designed

13 and constructed for vehicle storage shall be liable for the removal of the vehicles  
 14 or the parts if they are declared to be a public nuisance.

15 3. To declare derelict vehicles or parts of derelict vehicles to be a public  
 16 nuisance, the governing body of the city shall give a hearing upon ten days'  
 17 notice, either personally or by United States mail to the owner or agent, or by  
 18 posting a notice of the hearing on the property. At the hearing, the governing  
 19 body may declare the vehicles or the parts to be public nuisances, and may order  
 20 the nuisance to be removed within five business days. If the nuisance is not  
 21 removed within the five days, the governing body or the designated city official  
 22 shall have the nuisance removed and shall certify the costs of the removal to the  
 23 city clerk or the equivalent official, who shall cause a special tax bill for the  
 24 removal to be prepared against the property and collected by the collector with  
 25 other taxes assessed on the property, and to be assessed any interest and penalties  
 26 for delinquency as other delinquent tax bills are assessed as permitted by law.

27 4. The provisions of this section shall terminate on August 28, 2010.]  
 28

29 EXPLANATION: The fund in this section applies to the pilot program in Section 160.932  
 30 which expired in 2011.  
 31

[160.932. 1. Subject to appropriations, the department of elementary and  
 2 secondary education shall implement a pilot program allowing the regional  
 3 interagency coordinating council of the greater St. Louis system point of entry to  
 4 hire a part-time child-find coordinator to conduct the child-find requirements  
 5 under subsection 3 of section 160.910 for the region. The part-time child-find  
 6 coordinator shall be hired, selected, and employed by the regional interagency  
 7 coordinating council of the greater St. Louis system point of entry by July 1,  
 8 2008.

9 2. By September 1, 2010, the greater St. Louis system point of entry shall  
 10 conduct a study on the effect of hiring the child-find coordinator under this  
 11 section. The study shall be submitted to the department, the state interagency  
 12 coordinating council and the general assembly.

13 3. The provisions of this section shall expire on September 1, 2011.]  
 14

15 EXPLANATION: The fund in this section applies to the pilot program in Section 160.932  
 16 which expired in 2011.  
 17

[160.933. 1. There is hereby created in the state treasury the "Part C  
 2 Early Intervention Pilot Program Fund" for implementing the provisions of  
 3 section 160.932. Moneys deposited in the fund shall be considered state funds  
 4 under article IV, section 15 of the Missouri Constitution. The state treasurer shall  
 5 be custodian of the fund and may disburse moneys from the fund in accordance  
 6 with sections 30.170 and 30.180. Upon appropriation, money in the fund shall  
 7 be used solely for administration of section 160.932. The state treasurer shall

8 invest moneys in the fund in the same manner as other funds are invested. Any  
9 interest and moneys earned on such investments shall be credited to the fund.

10 2. At the end of each biennium and after all statutorily or constitutionally  
11 required transfer of funds have been made, the state treasurer shall transfer the  
12 balance in the fund, except for gifts, donations, bequests, or money received from  
13 a federal source, created in subsection 1 of this section in excess of two hundred  
14 percent of the previous fiscal year's expenditures into the state general revenue  
15 fund.

16 3. The department of elementary and secondary education shall  
17 promulgate rules to implement the provisions of section 160.932. Any rule or  
18 portion of a rule, as that term is defined in section 536.010, that is created under  
19 the authority delegated in this section shall become effective only if it complies  
20 with and is subject to all of the provisions of chapter 536 and, if applicable,  
21 section 536.028. This section and chapter 536 are nonseverable and if any of the  
22 powers vested with the general assembly under chapter 536 to review, to delay  
23 the effective date, or to disapprove and annul a rule are subsequently held  
24 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
25 adopted after August 28, 2007, shall be invalid and void.]

26  
27 EXPLANATION: This section expired 08-28-12.  
28

[168.083. 1. Any qualified applicant may be granted a temporary  
2 administrator certificate upon joint application with a Missouri public school  
3 district or accredited nonpublic school which establishes a mentoring program  
4 pursuant to subsection 2 of this section. The temporary administrator certificate  
5 is limited to the employing Missouri public school district or accredited  
6 nonpublic school. An applicant for a temporary administrator certificate may  
7 apply for only one area of certification at a time.

8 2. The employing Missouri public school district or accredited nonpublic  
9 school shall develop a mentoring program to provide adequate support to the  
10 holder of the temporary administrator certificate to ensure proper transition into  
11 the administrative environment.

12 3. The temporary administrator certificate of license to teach is valid for  
13 up to one school year. It may be renewed annually for up to four subsequent  
14 years by joint application from the certificate holder and employing Missouri  
15 public school district or accredited nonpublic school upon demonstration that the  
16 applicant is making continuous, measurable progress toward obtaining a full  
17 administrator certificate of license to teach. The state board of education shall  
18 establish specific standards as to what constitutes making measurable progress  
19 toward obtaining a full administrator certificate; provided that a full administrator  
20 certificate at that grade level shall be required after the fifth year of a temporary  
21 administrator certificate in order to retain administrator certification.

22                   4. Applications for a Missouri temporary administrator certificate shall  
23 be submitted on forms provided and approved by the state board of education.

24                   5. The state board of education shall promulgate rules and regulations for  
25 the issuance and renewal of temporary administrator certificates. No rule or  
26 portion of a rule promulgated pursuant to the authority of this section shall  
27 become effective unless it has been promulgated pursuant to chapter 536.

28                   6. As used in this section, the term "qualified applicant" shall mean a  
29 person who:

30                   (1) Holds a valid certificate of license to teach in Missouri;

31                   (2) Has a master's degree or is currently enrolled in a master's degree  
32 program; and

33                   (3) Has at least five years of teaching experience in a public school, in  
34 an accredited nonpublic school, or in a combination of such schools at the grade  
35 level for which the temporary administrator certificate is sought.

36                   7. The provisions of this section shall expire August 28, 2012.]

37

38 EXPLANATION: This section expired 11-01-12 (report due by 11-15-10 under subsection 6;  
39 report submitted on November 18, 2010).

40

                  [191.115. 1. There is hereby established in the department of health and  
2 senior services an "Alzheimer's State Plan Task Force". The task force shall  
3 consist of nineteen members, as follows:

4                   (1) The lieutenant governor or his or her designee, who shall serve as  
5 chair of the task force;

6                   (2) The directors of the departments of health and senior services, social  
7 services, and mental health or their designees;

8                   (3) One member of the house of representatives appointed by the speaker  
9 of the house;

10                  (4) One member of the senate appointed by the president pro tem of the  
11 senate;

12                  (5) One member who has early-stage Alzheimer's or a related dementia;

13                  (6) One member who is a family caregiver of a person with Alzheimer's  
14 or a related dementia;

15                  (7) One member who is a licensed physician with experience in the  
16 diagnosis, treatment, and research of Alzheimer's disease;

17                  (8) One member from the office of the state ombudsman for long-term  
18 care facility residents;

19                  (9) One member representing the home care profession;

20                  (10) One member representing residential long-term care;

21                  (11) One member representing the adult day services profession;

22                  (12) One member representing the insurance profession;

23                  (13) One member representing the area agencies on aging;

24                  (14) One member with expertise in minority health;

- 25 (15) One member who is a licensed elder law attorney;
- 26 (16) Two members from the leading voluntary health organization in  
27 Alzheimer's care, support, and research.
- 28 2. The members of the task force, other than the lieutenant governor,  
29 members from the general assembly, and department directors, shall be appointed  
30 by the governor with the advice and consent of the senate. Members shall serve  
31 on the task force without compensation.
- 32 3. The task force shall:
- 33 (1) Assess the current and future impact of Alzheimer's disease and  
34 related dementia on residents of the state of Missouri;
- 35 (2) Examine the existing services and resources addressing the needs of  
36 persons with dementia, their families, and caregivers; and
- 37 (3) Develop recommendations to respond to the escalating public health  
38 situation regarding Alzheimer's.
- 39 4. The task force shall include an examination of the following in its  
40 assessment and recommendations required to be completed under subsection 3  
41 of this section:
- 42 (1) Trends in state Alzheimer's and related dementia populations and  
43 their needs, including but not limited to the state's role in long-term care, family  
44 caregiver support, and assistance to persons with early-stage Alzheimer's, early  
45 onset of Alzheimer's, and individuals with Alzheimer's disease as a result of  
46 Down's Syndrome;
- 47 (2) Existing services, resources, and capacity, including but not limited  
48 to:
- 49 (a) Type, cost, and availability of services for persons with dementia,  
50 including home- and community-based resources, respite care to assist families,  
51 residential long-term care options, and adequacy and appropriateness of  
52 geriatric-psychiatric units for persons with behavior disorders associated with  
53 Alzheimer's and related dementia;
- 54 (b) Dementia-specific training requirements for individuals employed to  
55 provide care for persons with dementia;
- 56 (c) Quality care measure for services delivered across the continuum of  
57 care;
- 58 (d) Capacity of public safety and law enforcement to respond to persons  
59 with Alzheimer's and related dementia;
- 60 (e) State support for Alzheimer's research through institutes of higher  
61 learning in Missouri;
- 62 (3) Needed state policies or responses, including but not limited to  
63 directions for the provision of clear and coordinated services and supports to  
64 persons and families living with Alzheimer's and related dementias and strategies  
65 to address any identified gaps in services.

66                   5. The task force shall hold a minimum of one meeting at four diverse  
67 geographic regions in the state of Missouri during the calendar year to seek public  
68 input.

69                   6. The task force shall submit a report of its findings and date-specific  
70 recommendations to the general assembly and the governor in the form of a state  
71 Alzheimer's plan no later than November 15, 2010, as part of Alzheimer's disease  
72 awareness month.

73                   7. The task force shall continue to meet at the request of the chair and at  
74 a minimum of one time annually for the purpose of evaluating the  
75 implementation and impact of the task force recommendations and provide  
76 annual supplemental reports on the findings to the governor and the general  
77 assembly.

78                   8. The provisions of this section shall expire on November 1, 2012.]

79

80 EXPLANATION: The feasibility report required under this section was due 12-31-11 (report  
81 issued December 2012).

82

2                   [192.105. The department of health and senior services shall examine the  
3 feasibility of implementing a real-time water quality testing system for measuring  
4 the bacterial water quality at state-owned public beaches and shall issue a report  
5 of its findings to the general assembly by December 31, 2011.]

5

6 EXPLANATION: This section expired 12-31-11.

7

2                   [197.291. 1. There is hereby established a "Technical Advisory  
3 Committee on the Quality of Patient Care and Nursing Practices" within the  
4 department of health and senior services. The committee shall be comprised of  
5 nine members appointed by the director of the department of health and senior  
6 services, one of whom shall be a representative of the department of health and  
7 senior services and one of whom shall be a representative of the general public.  
8 In addition, the director shall appoint three members representing licensed  
9 registered nurses from a list of recommended appointees provided by the  
10 Missouri Nurses Association, one member representing licensed practical nurses  
11 from a list of recommended appointees provided by the Missouri Licensed  
12 Practical Nurses Association, two members from a list of recommended  
13 appointees provided by the Missouri Hospital Association, and one member  
14 representing licensed physicians from a list of recommended appointees provided  
15 by the Missouri State Medical Association.

16                   2. The committee shall work with hospitals, nurses, physicians, state  
17 agencies, community groups and academic researchers to develop specific  
18 recommendations related to staffing, improving the quality of patient care, and  
19 insuring the safe and appropriate employment of licensed nurses within hospitals  
and ambulatory surgical centers. The committee shall develop recommendations

20 and submit an annual report based on such recommendations to the governor,  
 21 chairpersons of standing health and appropriations committees of the general  
 22 assembly and the department of health and senior services no later than  
 23 December thirty-first of each year.

24 3. The department of health and senior services shall provide such  
 25 support as the committee members require to aid it in the performance of its  
 26 duties.

27 4. Committee members shall not be compensated for their services but  
 28 shall be reimbursed for their actual and necessary expenses incurred in the  
 29 performance of their duties.

30 5. The provisions of this section shall expire on December 31, 2011.]

31

32 EXPLANATION: This section expired 08-31-12 (report due 08-31-12 under subsection 5; no  
 33 report submitted by deadline).

34

[262.950. 1. As used in this section, the following terms shall mean:

2 (1) "Locally grown agricultural products", food or fiber produced or  
 3 processed by a small agribusiness or small farm;

4 (2) "Small agribusiness", an independent agribusiness located in Missouri  
 5 with gross annual sales of less than five million dollars;

6 (3) "Small farm", an independent family-owned farm in Missouri with  
 7 at least one family member working in the day-to-day operation of the farm.

8 2. There is hereby created an advisory board, which shall be known as the  
 9 "Farm-to-Table Advisory Board". The board shall be made up of at least one  
 10 representative from the following agencies: the University of Missouri extension  
 11 service, the department of agriculture, the department of elementary and  
 12 secondary education, the department of economic development, the department  
 13 of corrections, and the office of administration. In addition, the director of the  
 14 department of agriculture shall appoint one person actively engaged in the  
 15 practice of small agribusiness. The representative for the department of  
 16 agriculture shall serve as the chairperson for the board and shall coordinate the  
 17 board meetings. The board shall hold at least two meetings, but may hold more  
 18 as it deems necessary to fulfill its requirements under this section. Staff of the  
 19 department of agriculture may provide administrative assistance to the board if  
 20 such assistance is required.

21 3. The mission of the board is to provide recommendations for strategies  
 22 that:

23 (1) Allow schools and state institutions to more easily incorporate locally  
 24 grown agricultural products into their cafeteria offerings, salad bars, and vending  
 25 machines; and

26 (2) Increase public awareness of local agricultural practices and the role  
 27 that local agriculture plays in sustaining healthy communities and supporting  
 28 healthy lifestyles.

- 29                   4. In fulfilling its mission under this section, the board shall:  
30                   (1) Investigate the status and availability of local, state, federal, and any  
31 other public or private resources that may be used to:  
32                   (a) Link schools and state institutions with local and regional farms for  
33 the purchase of locally grown agricultural products;  
34                   (b) Increase market opportunities for locally grown agricultural products;  
35                   (c) Assist schools and other entities with education campaigns that teach  
36 children and the general public about the concepts of food production and  
37 consumption; the interrelationships between nutrition, food choices, obesity, and  
38 health; and the value of having an accessible supply of locally grown food;  
39                   (2) Identify any type of barrier, which may include legal, logistical,  
40 technical, social, or financial, that prevents or hinders:  
41                   (a) Schools and state institutions from purchasing more locally grown  
42 agricultural products;  
43                   (b) The expansion of market opportunities for locally grown agricultural  
44 products;  
45                   (c) Schools and other entities from engaging in education campaigns to  
46 teach people about the concepts of food production and consumption; the  
47 interrelationships between nutrition, food choices, obesity, and health; and the  
48 value of having an accessible supply of locally grown food; and  
49                   (3) Develop recommendations for:  
50                   (a) The maximization of existing public and private resources to  
51 accomplish the objectives in subsection 3 of this section;  
52                   (b) The development of new or expanded resources deemed necessary to  
53 accomplish the objectives in subsection 3 of this section, which may include  
54 resources such as training programs, grant programs, or database development;  
55 and  
56                   (c) The elimination of barriers that hinder the objectives in subsection 3  
57 of this section, which may include changes to school or state institution  
58 procurement policies or procedures.
- 59                   5. The board shall prepare a report containing its findings and  
60 recommendations and shall deliver such report to the governor, the general  
61 assembly, and to the director of each agency represented on the board by no later  
62 than August 31, 2012.
- 63                   6. In conducting its work, the board may hold public meetings at which  
64 it may invite testimony from experts or it may solicit information from any party  
65 it deems may have information relevant to its duties under this section.
- 66                   7. This section shall expire on August 31, 2012.]  
67

68 EXPLANATION: The committee established under this section was dissolved after submission  
69 of its report in 2007.  
70

2 [301.129. There is established in this section an advisory committee for  
3 the department of revenue, which shall exist solely to develop uniform designs  
4 and common colors for motor vehicle license plates issued under this chapter and  
5 to determine appropriate license plate parameters for all license plates issued  
6 under this chapter. The advisory committee may adopt more than one type of  
7 design and color scheme for license plates issued under this chapter; however,  
8 each license plate of a distinct type shall be uniform in design and color scheme  
9 with all other license plates of that distinct type. The specifications for the fully  
10 reflective material used for the plates, as required by section 301.130, shall be  
11 determined by the committee. Such plates shall meet any specific requirements  
12 prescribed in this chapter. The advisory committee shall consist of the director  
13 of revenue, the superintendent of the highway patrol, the correctional enterprises  
14 administrator, and the respective chairpersons of both the senate and house of  
15 representatives transportation committees. Notwithstanding section 226.200 to  
16 the contrary, the general assembly may appropriate state highways and  
17 transportation department funds for the requirements of section 301.130 and this  
18 section. Prior to January 1, 2007, the committee shall meet, select a chairman  
19 from among their members, and develop uniform design and license plate  
20 parameters for the motor vehicle license plates issued under this chapter. Prior  
21 to determining the final design of the plates, the committee shall hold at least  
22 three public meetings in different areas of the state to invite public input on the  
23 final design. Members of the committee shall be reimbursed for their actual and  
24 necessary expenses incurred in the performance of their duties under this section  
25 out of funds appropriated for that purpose. The committee shall direct the  
26 director of revenue to implement its final design of the uniform motor vehicle  
27 license plates and any specific parameters for all license plates developed by the  
28 committee not later than January 1, 2007. The committee shall be dissolved upon  
29 completion of its duties under this section.]

30 EXPLANATION: This section expired 08-28-11.  
31

2 [311.489. 1. After obtaining the approvals as described in this section,  
3 a permit for the sale of intoxicating liquor as defined in section 311.020, and  
4 nonintoxicating beer as defined in section 312.010, for consumption on premises  
5 where sold, and to conduct specified festival events, shall be issued by the  
6 division of alcohol and tobacco control to any festival district, located in a  
7 community improvement district in any home rule city with more than four  
8 hundred thousand inhabitants and located in more than one county, that includes  
9 three or more businesses that are licensed bars, nightclubs, restaurants, or other  
10 entertainment venues and a common area that is closed to vehicle traffic,  
11 provided that the permit is held by a promotional association. A "promotional  
association" is defined as an entity formed by property owners who own or

12 operate fifty percent or more of the square feet of bars, nightclubs, restaurants,  
13 and other entertainment venues located within the proposed festival district.

14 2. The promotional association shall obtain a permit from the division if  
15 the promotional association submits a plan to the governing body of the city and  
16 such a plan receives approval from the city governing body. The plan submitted  
17 shall include the legal description of the district and the common area within  
18 which such festivals shall be held, the name and address and responsible person  
19 for each business participating in the promotional association, the specific  
20 calendar of events for the district which shall not exceed twenty-four such events  
21 annually and shall include the dates and times of any such events, a description  
22 of the proposed festival activities, including any proposed public street closures  
23 if applicable, proof of adequate insurance, and a detailed description of security  
24 for any proposed festivals which shall be provided at the sole expense of the  
25 promotional association. Such detailed description of security shall be approved  
26 by the city police department and the city department of liquor control prior to the  
27 plan being approved by the city. Each event on the calendar shall not exceed  
28 forty-eight hours in length. No more than two events shall be held in any  
29 calendar month. Such permit shall cost three hundred dollars per year.

30 3. Prior to approving the plan, the city shall notify all property owners in  
31 the proposed district and within five hundred feet of such district's boundaries.  
32 The city shall hold a public hearing at least thirty days after providing such notice  
33 to obtain public views and comments on the issue. The city shall not approve any  
34 plan unless the promotional association has obtained written approval from at  
35 least fifty percent of the property owners within the district and within one  
36 hundred eighty-five feet of its borders. If the written approvals required under  
37 this section are obtained and the city approves the plan, the promotional  
38 association may conduct the events described in the plan and may sell liquor for  
39 consumption within the district common areas. Such liquor sales may only occur  
40 between 9:00 a.m. and 1:00 a.m. In addition, for no more than ten twenty-four  
41 hour periods in a year, such promotional association may permit customers to  
42 leave an establishment within the district after purchasing an alcoholic beverage  
43 and consume the beverage in the district common areas or another licensed  
44 establishment within the district. All containers allowed to be removed from an  
45 establishment shall be marked with the name or logo of the establishment where  
46 it was purchased. No person shall be allowed to take any alcoholic beverage  
47 outside the boundaries of the festival district.

48 4. If participating in a promotional association event, every bar,  
49 nightclub, restaurant, promotional association, or other entertainment venue that  
50 serves alcoholic beverages within the festival district shall use disposable paper,  
51 plastic, or foam cups or other light-weight containers for all alcoholic beverages  
52 that the bar, nightclub, restaurant, promotional association, or other entertainment  
53 venue sells within the festival district boundaries for consumption in the district  
54 common area.

55 5. Minors shall not be allowed to enter the festival district during a  
56 festival event that serves liquor.

57 6. The holder of the permit is solely responsible for any alcohol  
58 violations occurring within the common areas. For any violation of this chapter  
59 or of any rule or regulation of the supervisor of alcohol and tobacco control, the  
60 promotional association may be assessed a civil fine of not more than five  
61 thousand dollars. If a promotional association is found to be responsible for such  
62 violations at three separate events, then such promotional association shall not  
63 seek approval for subsequent plans without the prior written consent of the  
64 supervisor of alcohol and tobacco control. The promotional association's  
65 then-current plan shall be deemed terminated, and the businesses participating in  
66 the promotional association's events shall not participate in activities permitted  
67 by subsection 3 of this section without prior written consent from the supervisor  
68 of alcohol and tobacco control.

69 7. The provisions of this section shall expire two years after August 28,  
70 2009.]

71

72 EXPLANATION: The report required under this section was due no later than January 6, 2010  
73 (report submitted by the deadline).

74

2 [374.776. During the legislative interim between the first regular session  
3 and the second regular session of the ninety-fifth general assembly, the Missouri  
4 department of insurance, financial institutions and professional registration shall  
5 conduct a study regarding its licensing rules and other policies and procedures  
6 governing the bail bond industry within the state of Missouri. The department,  
7 in its discretion, may hold public hearings within the state and permit testimony  
8 and input from surety insurance companies, general bail bond agents, bail bond  
9 agents, legislators, law enforcement agencies, officials from the department, and  
10 other interested parties. If public hearings are held, the director shall provide  
11 notice to all licensees licensed under sections 374.695 to 374.789 of the date,  
12 time, and location of such public hearings. The department shall submit a report  
13 of its findings and recommendations to the house of representatives and senate  
14 insurance committees no later than January 6, 2010.]

15

16 EXPLANATION: Sections 376.825 to 376.836 expired 01-01-11 (see section 376.836).

17

2 [376.825. Sections 376.825 to 376.840 shall be known and may be cited  
3 as the "Mental Health and Chemical Dependency Insurance Act".]

4

2 [376.826. For the purposes of sections 376.825 to 376.836 the following  
3 terms shall mean:

4

(1) "Director", the director of the department of insurance, financial  
institutions and professional registration;

5

5 (2) "Health insurance policy" or "policy", all health insurance policies or  
6 contracts that are individually underwritten or provide such coverage for specific  
7 individuals and members of their families, which provide for hospital treatments.  
8 The term shall also include any individually underwritten coverage issued by a  
9 health maintenance organization. The provisions of sections 376.825 to 376.836  
10 shall not apply to policies which provide coverage for a specified disease only,  
11 other than for mental illness or chemical dependency;

12 (3) "Insurer", an entity licensed by the department of insurance, financial  
13 institutions and professional registration to offer a health insurance policy;

14 (4) "Mental illness", the following disorders contained in the  
15 International Classification of Diseases (ICD-9-CM):

16 (a) Schizophrenic disorders and paranoid states (295 and 297, except  
17 297.3);

18 (b) Major depression, bipolar disorder, and other affective psychoses  
19 (296);

20 (c) Obsessive compulsive disorder, post-traumatic stress disorder and  
21 other major anxiety disorders (300.0, 300.21, 300.22, 300.23, 300.3 and 309.81);

22 (d) Early childhood psychoses, and other disorders first diagnosed in  
23 childhood or adolescence (299.8, 312.8, 313.81 and 314);

24 (e) Alcohol and drug abuse (291, 292, 303, 304, and 305, except 305.1);  
25 and

26 (f) Anorexia nervosa, bulimia and other severe eating disorders (307.1,  
27 307.51, 307.52 and 307.53);

28 (g) Senile organic psychotic conditions (290);

29 (5) "Rate", "term", or "condition", any lifetime limits, annual payment  
30 limits, episodic limits, inpatient or outpatient service limits, and out-of-pocket  
31 limits. This definition does not include deductibles, co-payments, or coinsurance  
32 prior to reaching any maximum out-of-pocket limit. Any out-of-pocket limit  
33 under a policy shall be comprehensive for coverage of mental illness and physical  
34 conditions.]

35

2 [376.827. 1. Nothing in this bill shall be construed as requiring the  
3 coverage of mental illness.

4 2. Except for the coverage required pursuant to subsection 1 of section  
5 376.779, and the offer of coverage required pursuant to sections 376.810 through  
6 376.814, if any of the mental illness disorders enumerated in subdivision (4) of  
7 section 376.826 are provided by the health insurance policy, the coverage  
8 provided shall include all the disorders enumerated in subdivision (4) of section  
9 376.826 and shall not establish any rate, term, or condition that places a greater  
10 financial burden on an insured for access to evaluation and treatment for mental  
11 illness than for access to evaluation and treatment for physical conditions,  
12 generally, except that alcohol and other drug abuse services shall have a  
minimum of thirty days total inpatient treatment and a minimum of twenty total

13 visits for outpatient treatment for each year of coverage. A lifetime limit equal  
14 to four times such annual limits may be imposed. The days allowed for inpatient  
15 treatment can be converted for use for outpatient treatment on a two-for-one  
16 basis.

17 3. Deductibles, co-payment or coinsurance amounts for access to  
18 evaluation and treatment for mental illness shall not be unreasonable in relation  
19 to the cost of services provided.

20 4. A health insurance policy that is a federally qualified plan of benefits  
21 shall be construed to be in compliance with sections 376.825 to 376.836 if the  
22 policy is issued by a federally qualified health maintenance organization and the  
23 federally qualified health maintenance organization offered mental health  
24 coverage as required by sections 376.825 to 376.836. If such coverage is  
25 rejected, the federally qualified health maintenance organization shall, at a  
26 minimum, provide coverage for mental health services as a basic health service  
27 as required by the Federal Public Health Service Act, 42 U.S.C. Section 300e.,  
28 et seq.

29 5. Health insurance policies that provide mental illness benefits pursuant  
30 to sections 376.825 to 376.840 shall be deemed to be in compliance with the  
31 requirements of subsection 1 of section 376.779.

32 6. The director may disapprove any policy that the director determines  
33 to be inconsistent with the purposes of this section.]  
34

2 [376.830. 1. The coverages set forth in sections 376.825 to 376.840 may  
3 be administered pursuant to a managed care program established by the insurance  
4 company, health services corporation or health maintenance organization, and  
5 covered services may be delivered through a system of contractual arrangements  
6 with one or more licensed providers, community mental health centers, hospitals,  
7 nonresidential or residential treatment programs, or other mental health service  
8 delivery entities certified by the department of mental health, or accredited by a  
9 nationally recognized organization, or licensed by the state of Missouri. Nothing  
10 in this section shall authorize any unlicensed provider to provide covered  
11 services.

12 2. An insurer may use a case management program for mental illness  
13 benefits to evaluate and determine medically necessary and clinically appropriate  
14 care and treatment for each patient.

15 3. Nothing in sections 376.825 to 376.840 shall be construed to require  
16 a managed care plan as defined by section 354.600, when providing coverage for  
17 benefits governed by sections 376.825 to 376.840, to cover services rendered by  
18 a provider other than a participating provider, except for the coverage pursuant  
19 to subsection 4 of section 376.811. An insurer may contract for benefits provided  
20 in sections 376.825 to 376.840 with a managing entity or group of providers for  
21 the management and delivery of services for benefits governed by sections  
22 376.825 to 376.840.]

2 [376.833. 1. The provisions of section 376.827 shall not be violated if  
3 the insurer decides to apply different limits or exclude entirely from coverage the  
4 following:

5 (1) Marital, family, educational, or training services unless medically  
6 necessary and clinically appropriate;

7 (2) Services rendered or billed by a school or halfway house;

8 (3) Care that is custodial in nature;

9 (4) Services and supplies that are not medically necessary nor clinically  
10 appropriate; or

11 (5) Treatments that are considered experimental.

12 2. The director shall grant a policyholder a waiver from the provisions  
13 of section 376.827 if the policyholder demonstrates to the director by actual  
14 experience over any consecutive twenty-four-month period that compliance with  
15 sections 376.825 to 376.840 has increased the cost of the health insurance policy  
16 by an amount that results in a two percent increase in premium costs to the  
17 policyholder.]

2 [376.836. 1. The provisions of sections 376.825 to 376.836 apply to  
3 applications for coverage made on or after January 1, 2005, and to health  
4 insurance policies issued or renewed on or after such date to residents of this  
5 state. Multiyear group policies need not comply until the expiration of their  
6 current multiyear term unless the policyholder elects to comply before that time.

7 2. This section shall not apply to a supplemental insurance policy,  
8 including a life care contract, accident-only policy, specified disease policy,  
9 hospital policy providing a fixed daily benefit only, Medicare supplement policy,  
10 long-term care policy, hospitalization-surgical care policy, short-term major  
11 medical policy of six months or less duration, or any other supplemental policy  
12 as determined by the director of the department of insurance, financial  
13 institutions and professional registration.

14 3. The provisions of sections 376.825 to 376.836 shall expire on January  
15 1, 2011.]

16 EXPLANATION: This section expired 12-31-10 (preliminary report submitted in 2008; final  
17 report submitted 12-31-10).

18 [383.250. 1. There is hereby created within the department of insurance,  
2 financial institutions and professional registration the "Health Care Stabilization  
3 Fund Feasibility Board". The primary duty of the board is to determine whether  
4 a health care stabilization fund should be established in Missouri to provide  
5 excess medical malpractice insurance coverage for health care providers. As part  
6 of its duties, the board shall develop a comprehensive study detailing whether a  
7 health care stabilization fund is feasible within Missouri, or specified geographic  
8 regions thereof, or whether a health care stabilization fund would be feasible for

9 specific medical specialties. The board shall analyze medical malpractice  
10 insurance data collected by the department of insurance, financial institutions and  
11 professional registration under sections 383.105 and 383.106 and any other data  
12 the board deems necessary to its mission. In addition to analyzing data collected  
13 from the Missouri medical malpractice insurance market, the board may study the  
14 experience of other states that have established health care stabilization funds or  
15 patient compensation funds. If a health care stabilization fund is determined to  
16 be feasible within Missouri, the report shall also recommend to the general  
17 assembly how the fund should be structured, designed, and funded. The report  
18 may contain any other recommendations relevant to the establishment of a health  
19 care stabilization fund, including but not limited to specific recommendations for  
20 any statutory or regulatory changes necessary for the establishment of a health  
21 care stabilization fund.

22 2. The board shall consist of ten members. Other than the director, the  
23 house members and the senate members, the remainder of the board's members  
24 shall be appointed by the director of the department of insurance, financial  
25 institutions and professional registration as provided for in this subsection. The  
26 board shall be composed of:

27 (1) The director of the department of insurance, financial institutions and  
28 professional registration, or his or her designee;

29 (2) Two members of the Missouri senate appointed by the president pro  
30 tem of the senate with no more than one from any political party;

31 (3) Two members of the Missouri house of representatives appointed by  
32 the speaker of the house with no more than one member from any political party;

33 (4) One member who is licensed to practice medicine as a medical  
34 doctor who is on a list of nominees submitted to the director by an organization  
35 representing Missouri's medical society;

36 (5) One member who practices medicine as a doctor of osteopathy and  
37 who is on a list of nominees submitted to the director by an organization  
38 representing Missouri doctors of osteopathy;

39 (6) One member who is a licensed nurse in Missouri and who is on a list  
40 submitted to the director by an organization representing Missouri nurses;

41 (7) One member who is a representative of Missouri hospitals and who  
42 is on a list of nominees submitted to the director by an organization representing  
43 Missouri hospitals; and

44 (8) One member who is a physician and who is on a list submitted to the  
45 director by an organization representing family physicians in the state of  
46 Missouri.

47 3. The director shall appoint the members of the board, other than the  
48 general assembly members, no later than January 1, 2007. Once appointed, the  
49 board shall meet at least quarterly, and shall submit its final report and  
50 recommendations regarding the feasibility of a health care stabilization fund to  
51 the governor and the general assembly no later than December 31, 2010. The

52 board shall also submit annual interim reports to the general assembly regarding  
53 the status of its progress.

54 4. The board shall have the authority to convene conferences and hold  
55 hearings. All conferences and hearings shall be held in accordance with chapter  
56 610.

57 5. The director of the department of insurance, financial institutions and  
58 professional registration shall provide and coordinate staff and equipment  
59 services to the board to facilitate the board's duties.

60 6. Board members shall receive no additional compensation but shall be eligible for reimbursement  
61 for expenses directly related to the performance of their duties.

62 7. The provisions of this section shall expire December 31, 2010.]

63

64 EXPLANATION: The authority delegated under this section expired 08-28-09.

65

[393.171. 1. The commission shall have the authority to grant the  
2 permission and approval specified in section 393.170 after the construction or  
3 acquisition of any electric plant located in a first class county without a charter  
4 form of government has been completed if the commission determines that the  
5 grant of such permission and approval is necessary or convenient for the public  
6 service. Any such permission and approval shall, for all purposes, have the same  
7 effect as the permission and approval granted prior to such construction or  
8 acquisition. This subsection is enacted to clarify and specify the law in existence  
9 at all times since the original enactment of section 393.170.

10 2. No permission or approval granted for an electric plant by the  
11 commission under subsection 1 of this section, nor any special use permit issued  
12 for any such electric plant by the governing body of the county in which the  
13 electric plant is located, shall extinguish, render moot, or mitigate any suit or  
14 claim pending or otherwise allowable by law by any landowner or other legal  
15 entity for monetary damages allegedly caused by the operation or existence of  
16 such electric plant. Expenses incurred by an electrical corporation in association  
17 with the payment of any such damages shall not be recoverable, in any form at  
18 any time, from the ratepayers of any such electrical corporation.

19 3. The commission's authority under subsection 1 of this section shall  
20 expire on August 28, 2009.]

21

22 EXPLANATION: This section expired 01-01-10.

23

[488.2205. 1. In addition to all court fees and costs prescribed by law,  
2 a surcharge of up to ten dollars shall be assessed as costs in each court proceeding  
3 filed in any court within the thirtieth judicial circuit in all criminal cases  
4 including violations of any county or municipal ordinance or any violation of a  
5 criminal or traffic law of the state, including an infraction, except that no such  
6 surcharge shall be collected in any proceeding in any court when the proceeding

7 or defendant has been dismissed by the court or when costs are to be paid by the  
8 state, county or municipality. For violations of the general criminal laws of the  
9 state or county ordinances, no such surcharge shall be collected unless it is  
10 authorized, by order, ordinance or resolution by the county government where the  
11 violation occurred. For violations of municipal ordinances, no such surcharge  
12 shall be collected unless it is authorized, by order, ordinance or resolution by the  
13 municipal government where the violation occurred. Such surcharges shall be  
14 collected and disbursed by the clerk of each respective court responsible for  
15 collecting court costs in the manner provided by sections 488.010 to 488.020, and  
16 shall be payable to the treasurer of the county where the violation occurred.

17 2. Each county shall use all funds received pursuant to this section only  
18 to pay for the costs associated with the construction, maintenance and operation  
19 of the county judicial facility and the circuit juvenile detention center including,  
20 but not limited to, utilities, maintenance and building security. The county shall  
21 maintain records identifying such operating costs, and any moneys not needed for  
22 the operating costs of the county judicial facility shall be transmitted quarterly to  
23 the general revenue fund of the county.

24 3. This section shall expire and be of no force and effect on and after  
25 January 1, 2010.]

26  
27 EXPLANATION: This section expired 07-01-10.  
28

2 [620.602. 1. There is established a permanent joint committee of the  
3 general assembly to be known as the "Joint Committee on Economic  
4 Development Policy and Planning" to be composed of five members of the  
5 senate, appointed by the president pro tem of the senate, and five members of the  
6 house, appointed by the speaker of the house. No more than three members of  
7 the senate and three members of the house shall be from the same political party.  
8 The appointment of members shall continue during their terms of office as  
9 members of the general assembly or until successors have been duly appointed  
10 to fill their places when their terms of office as members of the general assembly  
11 have expired. Members of the joint committee shall receive no compensation in  
12 addition to their salary as members of the general assembly, but may receive their  
13 necessary expenses for attending the meetings of the committee, to be paid out  
14 of the committee's appropriations or the joint contingent fund.

15 2. The joint committee on economic development policy and planning  
16 shall meet within ten days after its establishment and organize by selecting a  
17 chairman and a vice chairman, one of whom shall be a member of the senate and  
18 the other a member of the house of representatives. These positions shall rotate  
19 annually between a member of the senate and a member of the house of  
20 representatives. The committee shall regularly meet at least quarterly. A  
21 majority of the members of the committee shall constitute a quorum. The  
committee may, within the limits of its appropriations, employ such persons as

22 it deems necessary to carry out its duties. The compensation of such personnel  
23 shall be paid from the committee's appropriations or the joint contingent fund.

24 3. The joint committee on economic development policy and planning  
25 shall, at its regular meetings, confer with representatives from the governor's  
26 office, the department of economic development, the University of Missouri  
27 extension service, and other interested parties from the private and public sectors.  
28 The joint committee shall review the annual report produced by the department  
29 of economic development, as required by section 620.607, and plan, develop and  
30 evaluate a long-term economic development policy for the state of Missouri to  
31 ensure the state's competitive status with other states.

32 4. The provisions of this section shall expire on July 1, 2010.]  
33

34 EXPLANATION: The committee was disbanded on January 1, 1996.  
35

[630.461. 1. There is hereby created in the department of mental health  
2 a committee to be known as the "Review Committee for Purchasing" to review  
3 the manner in which the department of mental health purchases services for  
4 persons with mental health disorders and substance abuse problems. By  
5 December 31, 1995, the committee shall recommend to the governor and the  
6 general assembly any changes that should be made in the department of mental  
7 health purchasing systems, including whether the department should follow a  
8 competitive purchasing model and, if so, the time frame for initiating such  
9 change. The recommendation of the committee shall be made in the context of  
10 state and national health care reform and with the goal of providing effective  
11 services in a coordinated and affordable manner.

12 2. The review committee on purchasing created in subsection 1 of this  
13 section shall be composed of nine members as follows:

14 (1) One member of the mental health commission, appointed by the  
15 governor;

16 (2) One representative of the office of administration, appointed by the  
17 governor;

18 (3) The governor or his designee;

19 (4) Two members appointed at large by the governor, with one member  
20 representing the business community and one public member;

21 (5) Two members, appointed at large by the governor, with one member  
22 being a private provider and one member being affiliated with a hospital;

23 (6) Two members, appointed at large by the governor, who are  
24 consumers of mental health services or family members of consumers of mental  
25 health services.

26 3. The review committee established in subsection 1 of this section shall  
27 be disbanded on January 1, 1996.

28 4. Notwithstanding any other provision of law to the contrary, beginning  
29 July 1, 1997, if the review committee failed to make the recommendations to the

30 governor and the general assembly as required in subsection 1 of this section, the  
31 department of mental health may contract directly with vendors operated or  
32 funded pursuant to sections 205.975 to 205.990, or operated or funded pursuant  
33 to sections 205.968 to 205.973, without competitive bids. All contracts with  
34 vendors who are providers of a consortium of treatment services to the clients of  
35 the division of comprehensive psychiatric services shall be awarded in  
36 accordance with chapter 34.]

37

38 EXPLANATION: This section expired 09-30-11.

39

[633.410. 1. For purposes of this section, the following terms mean:

2 (1) "Certification fee", a fee to be paid by providers of health benefit  
3 services, which in the aggregate for all providers shall not exceed the overall cost  
4 of the department of mental health's operation of its certification programs for  
5 residential habilitation, individualized supported living, and day habilitation  
6 services provided to developmentally disabled individuals;

7 (2) "Home and community-based waiver services for persons with  
8 developmental disabilities", a department of mental health program which admits  
9 persons who are developmentally disabled for residential habilitation,  
10 individualized supported living, or day habilitation services under chapter 630;

11 (3) "Provider of health benefit services", publicly and privately operated  
12 programs providing residential habilitation, individualized supported living, or  
13 day habilitation services to developmentally disabled individuals that have been  
14 certified to meet department of mental health certification standards.

15 2. Beginning July 1, 2009, each provider of health benefit services  
16 accepting payment shall pay a certification fee.

17 3. Each provider's fee shall be based on a formula set forth in rules and  
18 regulations promulgated by the department of mental health.

19 4. The fee imposed under this section shall be determined based on the  
20 reasonable costs incurred by the department of mental health in its programs of  
21 certification of providers of health benefit services. Imposition of the fee shall  
22 be contingent upon receipt of all necessary federal approvals under federal law  
23 and regulation to assure that the collection of the fee will not adversely affect the  
24 receipt of federal financial participation in medical assistance under Title XIX of  
25 the federal Social Security Act.

26 5. Fees shall be determined annually and prorated monthly by the director  
27 of the department of mental health or his or her designee and shall be made  
28 payable to the director of the department of revenue.

29 6. In the alternative, a provider may direct that the director of the  
30 department of social services offset, from the amount of any payment to be made  
31 by the state to the provider, the amount of the fee payment owed for any month.

32 7. Fee payments shall be deposited in the state treasury to the credit of the  
33 "Home and Community-Based Developmental Disabilities Waiver

34 Reimbursement Allowance Fund", which is hereby created in the state treasury.  
35 All investment earnings of this fund shall be credited to the fund. The state  
36 treasurer shall be custodian and may approve disbursement. Notwithstanding the  
37 provisions of section 33.080 to the contrary, any unexpended balance in the home  
38 and community-based developmental disabilities waiver reimbursement  
39 allowance fund at the end of the biennium shall not revert to the general revenue  
40 fund but shall accumulate from year to year. The state treasurer shall maintain  
41 records that show the amount of money in the fund at any time and the amount  
42 of any investment earnings on that amount.

43 8. Every provider of residential habilitation, individualized supported  
44 living, and day habilitation services to developmentally disabled individuals shall  
45 submit annually an acknowledgment of certification for the purpose of paying its  
46 certification fee. The report shall be in such form as may be prescribed by rule  
47 by the director of the department of mental health.

48 9. The director of the department of mental health shall prescribe by rule  
49 the form and content of any document required to be filed under the provisions  
50 of this section.

51 10. Upon receipt of notification from the director of the department of  
52 mental health of a provider's delinquency in paying fees required under this  
53 section, the director of the department of social services shall withhold, and shall  
54 remit to the director of the department of revenue, the fee amount estimated by  
55 the director of the department of mental health from any payment to be made by  
56 the state to the provider.

57 11. In the event a provider objects to the estimate described in subsection  
58 10 of this section, or any other decision of the department of mental health related  
59 to this section, the provider of services may request a hearing. If a hearing is  
60 requested, the director of the department of mental health shall provide the  
61 provider of services an opportunity to be heard and to present evidence bearing  
62 on the amount due for an assessment or other issue related to this section within  
63 thirty days after collection of an amount due or receipt of a request for a hearing,  
64 whichever is later. The director of the department of mental health shall issue a  
65 final decision within forty-five days of the completion of the hearing. After  
66 reconsideration of the fee determination and a final decision by the director of the  
67 department of mental health, a residential habilitation, individualized supported  
68 living, and day habilitation services to developmentally disabled individuals  
69 provider's appeal of the director of the department of mental health's final  
70 decision shall be to the administrative hearing commission in accordance with  
71 section 208.156 and section 621.055.

72 12. Notwithstanding any other provision of law to the contrary, appeals  
73 regarding this assessment shall be to the circuit court of Cole County or the  
74 circuit court in the county in which the provider is located. The circuit court shall  
75 hear the matter as the court of original jurisdiction.

76 13. Nothing in this section shall be deemed to affect or in any way limit  
77 the tax-exempt or nonprofit status of any provider of residential habilitation,  
78 individualized supported living, and day habilitation services to developmentally  
79 disabled individuals granted by state law.

80 14. The director of the department of mental health shall promulgate  
81 rules and regulations to implement this section. Any rule or portion of a rule, as  
82 that term is defined in section 536.010, that is created under the authority  
83 delegated in this section shall become effective only if it complies with and is  
84 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
85 This section and chapter 536 are nonseverable and if any of the powers vested  
86 with the general assembly pursuant to chapter 536 to review, to delay the  
87 effective date, or to disapprove and annul a rule are subsequently held  
88 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
89 adopted after August 28, 2009, shall be invalid and void.

90 15. The provisions of this section shall expire on September 30, 2011.]

91

92 EXPLANATION: The report required under this section was due for submission no later than  
93 December 31, 2011 (report submitted by the deadline).

94

2 [640.850. The governor shall convene a committee of representatives of  
3 the departments of health and senior services, natural resources, economic  
4 development, agriculture, and conservation. The committee shall evaluate  
5 opportunities for consolidating services with the goal of improving efficiency and  
6 reducing cost while optimizing the benefits to the citizens of Missouri. As part  
7 of its evaluation, the committee shall specifically consider the transfer of the  
8 division of energy from the department of natural resources to the department of  
9 economic development and the consolidation of water quality laboratory testing  
10 under the department of health and senior services for purposes of meeting water  
11 testing requirements of the federal Safe Drinking Water Act and the Federal  
12 Water Pollution Control Act. The committee shall provide recommendations to  
13 the governor and general assembly no later than December 31, 2011.]

13

14 EXPLANATION: This section sunset 06-05-12.

15

2 [650.120. 1. There is hereby created in the state treasury the "Cyber  
3 Crime Investigation Fund". The treasurer shall be custodian of the fund and may  
4 approve disbursements from the fund in accordance with sections 30.170 and  
5 30.180. Beginning with the 2010 fiscal year and in each subsequent fiscal year,  
6 the general assembly shall appropriate three million dollars to the cyber crime  
7 investigation fund. The department of public safety shall be the administrator of  
8 the fund. Moneys in the fund shall be used solely for the administration of the  
9 grant program established under this section. Notwithstanding the provisions of  
section 33.080 to the contrary, any moneys remaining in the fund at the end of the

10 biennium shall not revert to the credit of the general revenue fund. The state  
11 treasurer shall invest moneys in the fund in the same manner as other funds are  
12 invested. Any interest and moneys earned on such investments shall be credited  
13 to the fund.

14 2. The department of public safety shall create a program to distribute  
15 grants to multijurisdictional internet cyber crime law enforcement task forces,  
16 multijurisdictional enforcement groups, as defined in section 195.503, that are  
17 investigating internet sex crimes against children, and other law enforcement  
18 agencies. The program shall be funded by the cyber crime investigation fund  
19 created under subsection 1 of this section. Not more than three percent of the  
20 money in the fund may be used by the department to pay the administrative costs  
21 of the grant program. The grants shall be awarded and used to pay the salaries  
22 of detectives and computer forensic personnel whose focus is investigating  
23 internet sex crimes against children, including but not limited to enticement of  
24 a child, possession or promotion of child pornography, provide funding for the  
25 training of law enforcement personnel and prosecuting and circuit attorneys as  
26 well as their assistant prosecuting and circuit attorneys, and purchase necessary  
27 equipment, supplies, and services. The funding for such training may be used to  
28 cover the travel expenses of those persons participating.

29 3. A panel is hereby established in the department of public safety to  
30 award grants under this program and shall be comprised of the following  
31 members:

32 (1) The director of the department of public safety, or his or her designee;

33 (2) Two members shall be appointed by the director of the department of  
34 public safety from a list of six nominees submitted by the Missouri Police Chiefs  
35 Association;

36 (3) Two members shall be appointed by the director of the department of  
37 public safety from a list of six nominees submitted by the Missouri Sheriffs'  
38 Association;

39 (4) Two members of the state highway patrol shall be appointed by the  
40 director of the department of public safety from a list of six nominees submitted  
41 by the Missouri State Troopers Association;

42 (5) One member of the house of representatives who shall be appointed  
43 by the speaker of the house of representatives; and

44 (6) One member of the senate who shall be appointed by the president  
45 pro tem.

46 The panel members who are appointed under subdivisions (2), (3), and (4) of this  
47 subsection shall serve a four-year term ending four years from the date of  
48 expiration of the term for which his or her predecessor was appointed. However,  
49 a person appointed to fill a vacancy prior to the expiration of such a term shall be  
50 appointed for the remainder of the term. Such members shall hold office for the  
51 term of his or her appointment and until a successor is appointed. The members

52 of the panel shall receive no additional compensation but shall be eligible for  
53 reimbursement for mileage directly related to the performance of panel duties.

54 4. Local matching amounts, which may include new or existing funds or  
55 in-kind resources including but not limited to equipment or personnel, are  
56 required for multijurisdictional internet cyber crime law enforcement task forces  
57 and other law enforcement agencies to receive grants awarded by the panel. Such  
58 amounts shall be determined by the state appropriations process or by the panel.

59 5. When awarding grants, priority should be given to newly hired  
60 detectives and computer forensic personnel.

61 6. The panel shall establish minimum training standards for detectives  
62 and computer forensic personnel participating in the grant program established  
63 in subsection 2 of this section.

64 7. Multijurisdictional internet cyber crime law enforcement task forces  
65 and other law enforcement agencies participating in the grant program established  
66 in subsection 2 of this section shall share information and cooperate with the  
67 highway patrol and with existing internet crimes against children task force  
68 programs.

69 8. The panel may make recommendations to the general assembly  
70 regarding the need for additional resources or appropriations.

71 9. The power of arrest of any peace officer who is duly authorized as a  
72 member of a multijurisdictional internet cyber crime law enforcement task force  
73 shall only be exercised during the time such peace officer is an active member of  
74 such task force and only within the scope of the investigation on which the task  
75 force is working. Notwithstanding other provisions of law to the contrary, such  
76 task force officer shall have the power of arrest, as limited in this subsection,  
77 anywhere in the state and shall provide prior notification to the chief of police of  
78 a municipality or the sheriff of the county in which the arrest is to take place. If  
79 exigent circumstances exist, such arrest may be made and notification shall be  
80 made to the chief of police or sheriff as appropriate and as soon as practical. The  
81 chief of police or sheriff may elect to work with the multijurisdictional internet  
82 cyber crime law enforcement task force at his or her option when such task force  
83 is operating within the jurisdiction of such chief of police or sheriff.

84 10. Under section 23.253 of the Missouri sunset act:

85 (1) The provisions of the new program authorized under this section shall  
86 sunset automatically six years after June 5, 2006, unless reauthorized by an act  
87 of the general assembly; and

88 (2) If such program is reauthorized, the program authorized under this  
89 section shall sunset automatically twelve years after the effective date of the  
90 reauthorization of this section; and

91 (3) This section shall terminate on September first of the calendar year  
92 immediately following the calendar year in which the program authorized under  
93 this section is sunset.]

94

95 EXPLANATION: Sections 660.425 to 660.465 expired 09-01-12 (see section 660.465).  
96

2 [660.425. 1. In addition to all other fees and taxes required or paid, a tax  
3 is hereby imposed upon in-home services providers for the privilege of providing  
4 in-home services. The tax is imposed upon payments received by an in-home  
5 services provider for the provision of in-home services.

6 2. For purposes of sections 660.425 to 660.465, the following terms shall  
7 mean:

8 (1) "Engaging in the business of providing in-home services", all  
9 payments received by an in-home services provider for the provision of in-home  
10 services;

11 (2) "In-home services", homemaker services, personal care services,  
12 chore services, respite services, consumer-directed services, and services, when  
13 provided in the individual's home and under a plan of care created by a physician,  
14 necessary to keep children out of hospitals. "In-home services" shall not include  
15 home health services as defined by federal and state law;

16 (3) "In-home services provider", any provider or vendor, as defined in  
17 section 208.900, of compensated in-home services and under a provider  
18 agreement or contracted with the department of social services or the department  
19 of health and senior services.]

2 [660.430. 1. Each in-home services provider in this state providing  
3 in-home services shall, in addition to all other fees and taxes now required or  
4 paid, pay an in-home services gross receipts tax, not to exceed six and one-half  
5 percent of gross receipts, for the privilege of engaging in the business of  
6 providing in-home services in this state.

7 2. Each in-home services provider's tax shall be based on a formula set  
8 forth in rules promulgated by the department of social services. Any rule or  
9 portion of a rule, as that term is defined in section 536.010, that is created under  
10 the authority delegated in this section shall become effective only if it complies  
11 with and is subject to all of the provisions of chapter 536 and, if applicable,  
12 section 536.028. This section and chapter 536 are nonseverable and if any of the  
13 powers vested with the general assembly pursuant to chapter 536 to review, to  
14 delay the effective date or to disapprove and annul a rule are subsequently held  
15 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
16 adopted after August 28, 2009, shall be invalid and void.

17 3. The director of the department of social services or the director's  
18 designee may prescribe the form and contents of any forms or other documents  
19 required by sections 660.425 to 660.465

20 4. Notwithstanding any other provision of law to the contrary, appeals  
21 regarding the promulgation of rules under this section shall be made to the circuit  
22 court of Cole County. The circuit court of Cole County shall hear the matter as  
the court of original jurisdiction.]

2 [660.435. 1. For purposes of assessing the tax under sections 660.425 to  
3 660.465, the department of health and senior services shall make available to the  
4 department of social services a list of all providers and vendors under this  
5 section.

6 2. Each in-home services provider subject to sections 660.425 to 660.465  
7 shall keep such records as may be necessary to determine the total payments  
8 received for the provision of in-home services by the in-home services provider.  
9 Every in-home services provider shall submit to the department of social services  
10 a statement that accurately reflects such information as is necessary to determine  
11 such in-home services provider's tax due.

12 3. The director of the department of social services may prescribe the  
13 form and contents of any forms or other documents required by this section.

14 4. Each in-home services provider shall report the total payments  
15 received for the provision of in-home services to the department of social  
16 services.]

2 [660.440. 1. The tax imposed by sections 660.425 to 660.465 shall  
3 become effective upon authorization by the federal Centers for Medicare &  
4 Medicaid Services for a gross receipts tax for in-home services.

5 2. If the federal Centers for Medicare & Medicaid Services determines  
6 that their authorization is not necessary for the tax imposed under sections  
7 660.425 to 660.465, the tax shall become effective sixty days after the date of  
8 such determination.]

2 [660.445. 1. The determination of the amount of tax due shall be the  
3 total amount of payments reported to the department multiplied by the tax rate  
4 established by rule by the department of social services.

5 2. The department of social services shall notify each in-home services  
6 provider of the amount of tax due. Such amount may be paid in increments over  
7 the balance of the assessment period.

8 3. The department of social services may adjust the tax due quarterly on  
9 a prospective basis. The department of social services may adjust the tax due  
10 more frequently for individual providers if there is a substantial and statistically  
11 significant change in the in-home services provided or in the payments received  
12 for such services provided. The department of social services may define such  
13 adjustment criteria by rule.]

2 [660.450. The director of the department of social services may offset the  
3 tax owed by an in-home services provider against any Missouri Medicaid  
4 payment due such in-home services provider, if the in-home services provider  
5 requests such an offset. The amounts to be offset shall result, so far as  
6 practicable, in withholding from the in-home services provider an amount  
substantially equal to the assessment due from the in-home services provider.

7 The office of administration and the state treasurer may make any fund transfers  
8 necessary to execute the offset.]  
9

2 [660.455. 1. The in-home services tax owed or, if an offset has been  
3 made, the balance after such offset, if any, shall be remitted by the in-home  
4 services provider to the department of social services. The remittance shall be  
5 made payable to the director of the department of social services and shall be  
6 deposited in the state treasury to the credit of the "In-home Services Gross  
7 Receipts Tax Fund" which is hereby created to provide payments for in-home  
8 services provided. All investment earnings of the fund shall be credited to the  
9 fund.

10 2. An offset authorized by section 660.450 or a payment to the in-home  
11 services gross receipts tax fund shall be accepted as payment of the obligation set  
12 forth in section 660.425.

13 3. The state treasurer shall maintain records showing the amount of  
14 money in the in-home services gross receipts tax fund at any time and the amount  
15 of investment earnings on such amount.

16 4. Notwithstanding the provisions of section 33.080 to the contrary, any  
17 unexpended balance in the in-home services gross receipts tax fund at the end of  
18 the biennium shall not revert to the credit of the general revenue fund.]

2 [660.460. 1. The department of social services shall notify each in-home  
3 services provider with a tax due of more than ninety days of the amount of such  
4 balance. If any in-home services provider fails to pay its in-home services tax  
5 within thirty days of such notice, the in-home services tax shall be delinquent.

6 2. If any tax imposed under sections 660.425 to 660.465 is unpaid and  
7 delinquent, the department of social services may proceed to enforce the state's  
8 lien against the property of the in-home services provider and compel the  
9 payment of such assessment in the circuit court having jurisdiction in the county  
10 where the in-home services provider is located. In addition, the department of  
11 social services may cancel or refuse to issue, extend, or reinstate a Medicaid  
12 provider agreement to any in-home services provider that fails to pay the tax  
13 imposed by section 660.425.

14 3. Failure to pay the tax imposed under section 660.425 shall be grounds  
15 for failure to renew a provider agreement for services or failure to renew a  
16 provider contract. The department of social services may revoke the provider  
17 agreement of any in-home services provider that fails to pay such tax, or notify  
18 the department of health and senior services to revoke the provider contract.]

2 [660.465. 1. The in-home services tax required by sections 660.425 to  
3 660.465 shall expire:

4 (1) Ninety days after any one or more of the following conditions are  
met:

5 (a) The aggregate in-home services fee as appropriated by the general  
6 assembly paid to in-home services providers for in-home services provided is less  
7 than the fiscal year 2010 in-home services fees reimbursement amount; or

8 (b) The formula used to calculate the reimbursement as appropriated by  
9 the general assembly for in-home services provided is changed resulting in lower  
10 reimbursement to in-home services providers in the aggregate than provided in  
11 fiscal year 2010; or

12 (2) September 1, 2012.

13 The director of the department of social services shall notify the revisor of  
14 statutes of the expiration date as provided in this subsection.

15 2. Sections 660.425 to 660.465 shall expire on September 1, 2012.]  
16

17 EXPLANATION: The report required under this section was due for submission no later than  
18 December 31, 2011 (report submission undetermined).  
19

[701.058. The department of natural resources and the department of  
2 health and senior services shall jointly hold stakeholder meetings for the purpose  
3 of gathering data and information regarding permits and inspections for on-site  
4 sewage disposal systems. The departments shall evaluate the data and  
5 information obtained and present their findings and recommendations in a report  
6 to be submitted to the general assembly by December 31, 2011.]  
7

8 EXPLANATION: The report required under this section was due for submission no later than  
9 July 1, 2010 (report not submitted by the deadline; DNR did not comply due to lack of funding  
10 for the study).  
11

[701.502. 1. The department shall conduct a study of the energy  
2 efficiency of consumer electronic products and report to the general assembly no  
3 later than July 1, 2010. The report shall include:

4 (1) An assessment of energy requirements and energy usage of consumer  
5 electronic products;

6 (2) Recommendations to consumers regarding appropriate use of  
7 consumer electronic products; and

8 (3) Recommendations to consumers regarding the availability of energy  
9 efficient consumer electronic products in Missouri.

10 2. The report shall be posted on the department's website and made  
11 available to the public upon request.]

